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CONSTITUTIONAL SERIES

VOLUME II

THE CONSTITUTIONAL DEBATES

OF

1847

COLLECTIONS OF THE ILLINOIS STATE HISTORICAL LIBRARY
VOLUME XIV

CONSTITUTIONAL SERIES, VOLUME II

THE CONSTITUTIONAL DEBATES OF 1847

EDITED WITH INTRODUCTION AND NOTES BY
ARTHUR CHARLES COLE
UNIVERSITY OF ILLINOIS

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PREFACE

The addition of seventy-two years to Illinois history, and a fifth attempt to remodel her fundamental law, have made apparent the value of publishing the debates of the Constitutional Convention of 1847. Working in an atmosphere of "economy, retrenchment, and reform," the delegated representatives of the authority of this Commonwealth in 1847 decided to forego an official edition of debates and content themselves with newspaper versions. Many were aware of the service which a collection of debates would have rendered to other bodies similarly engaged in that time of constitutional reform; they were not so alive to their obligations to posterity and to their successors in constitutional amendment in Illinois.

The present volume is the result of an effort to reconstruct the records of this convention. The most complete single account available was found in the tri-weekly edition of the *Illinois State Register;* strangely enough, however, the weekly edition often contained more detailed accounts of certain addresses and debates. The reporters were not always prompt in their arrival nor were they always able to hear what was said. The *Register,* too, was not always ready to devote space to the utterances of party opponents. It left this obligation to its rival, the *Sangamo Journal.* No other papers in Illinois attempted to present a running record of the debates. Newspaper correspondents were at the convention in force but at best they were satisfied with

making daily memoranda of the topics discussed, of the trend of the debates, and of the current political gossip. The version presented in this volume is the *Register* tri-weekly account supplemented in important omissions by items from the weekly edition and from the *Sangamo Journal.*

The preparation of this volume has been made possible by the coöperation of Mrs. Jessie Palmer Weber of the Illinois State Historical Library and of Dr. W. F. Dodd of the Illinois Legislative Reference Bureau. The newspaper files used in the text were those of the Illinois State Historical Library. They have been supplemented for editorial work by the files of the Chicago Historical Society, of the Newberry Library, Chicago, of the Library of Congress, and of the Illinois Historical Survey. The index has been prepared for the practical use of students of political science by Miss Ethel Gwinn, working under the direction of Professor John A. Fairlie. I am especially indebted to Miss Nellie C. Armstrong, who, in the capacity of editorial assistant, has shown the greatest zeal and care in collating and proof-reading.

ARTHUR C. COLE

URBANA, ILLINOIS
January, 1920

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INTRODUCTION

A little over two decades of development under its original charter of statehood brought Illinois to the point where it chafed at the restraints of its constitutional swaddling clothes. The movement for a new constitution, therefore, received definite recognition in the legislative session of 1840–1841 when a joint resolution to refer the question of a Constitutional Convention to the popular vote received more than the two-thirds vote required by the fundamental law. The *Belleville Advocate* soon listed seventeen reasons for a convention and in successive issues proceeded to explain them to its readers, who seem to have responded favorably to the program set forth.[1] Most of the political spokesmen of the day, however, hesitated to place specific reasons for a convention before the voters with the result that the election of August 1, 1842, revealed a serious indifference on the part of the electorate and the proposition failed to secure the required majority.

Again in 1845 the General Assembly moved to submit the proposition to the electorate and this time the convention backers carried the day by a vote of 57,806 to 18,568.[3] There followed a fight between northern Illinois and Egypt as to whether the census of 1840 or the figures of 1845 should be used as a basis

[1] *Belleville Advocate*, October 21, December 2, 9, 1841.

[2] The figures in the Secretary of State's Records of Election Returns, 1:364-365, are too incomplete for citation.

[3] Records of Election Returns, 1:476–477. The gubernatorial contest of the same year drew out 100,847 votes. Both elections were held on August 3, 1846.

for apportionment. In this skirmish the northern advocates of the 1845 basis were successful in securing for their section the advantage of its rapid growth during the forties. On April 19, 1847, the election of delegates took place. By this time the party leaders were trying to define a strategy which would enable them to control the situation. The Democrats became more and more vocal on the importance of an anti-bank provision, of popular election of state officials, including even supreme court judges, of an effective veto power, and of insuring the infusion of pure democratic principles into the fundamental law. The Whigs openly accepted the popular demand for economy and reform; inwardly they nursed hopes of excluding foreigners from suffrage by a citizenship qualification and of inserting a clause permitting some sort of a banking system. The Democrats hauled out the obligation of party regularity while the Whigs concealed their ambitions in a subtle insinuating appeal to a "no party" stand.[4] When at length the results of the election were tabulated it was found that while the Democrats had elected a safe majority with 91 out of the 162 delegates, the Whigs were represented in sufficient force to occasion a grave element of uncertainty in the work of the convention.

The Constitutional Convention which assembled at Springfield, June 7, 1847, included only 7 native Illinoisians. There were 26 New Englanders, 38 from the middle states, 35 from the South Atlantic seaboard, 41 from Kentucky and Tennessee, and 10 from Ohio

[4] See Campbell's complaint against this "no party" trick, *post*, 480: "He scorned such tricks, preferring the bold, manly course of a whig like Harry of the West, who never said 'no party.'" See also *Illinois State Register*, April 2.

and Indiana.[5] Here was eloquent testimony to the westward course of empire. Of the delegates, the farmers with 75 were most numerous, but there were 54 lawyers, besides 12 physicians, 9 merchants, 5 mechanics, and 7 others. It was a body of young men nearer in age to the two twenty-six-year-old delegates than the sage of sixty-six.

Several members brought to the convention valued experiences garnered in long and active political careers. The most conspicuous of these was Zadoc Casey, of Mt. Vernon, whose public services had already included a term as lieutenant-governor, and five terms in Congress. At the age of fifty-one, however, he seems to have lost much of his vigor of action, so that the quiet influence of his presence was greater than that of his utterances before the convention; there was complaint, indeed, that instead of participating in the debates and giving the delegates the benefit of his age and experience, he offered "nothing but continual croaking, adjourn! adjourn."[6]

The group of more active participants in the convention debates included delegates in various stages of their public careers. William R. Archer, a rising young lawyer from Pittsfield, displayed qualities of leadership which explain his later political activity. Albert G. Caldwell, a Shawneetown attorney, Charles H. Constable, an influential Whig leader and state senator, were frequently on the floor of the convention. Thompson Campbell of Galena, who had for four years rendered capable service as secretary of state, was an

[5] Five of foreign birth included three from Scotland and one each from Germany and Ireland. See list of members; cf. *Alton Telegraph and Democratic Review*, July 9.

[6] See *post*, 843.

energetic and eloquent spokesman of the Democratic faith. John Dement, the Dixon delegate, by his activity qualified for his later services in the constitutional conventions of 1862, and 1869–1870. Ninian W. Edwards, an agressive veteran Whig legislator from Springfield, David L. Gregg, an influential Chicagoan of opposite stripe, Samuel S. Hayes, the twenty-six-year-old delegate from Carmi, and Lincoln B. Knowlton, the eloquent Peoria lawyer, were frequently on the floor. Samuel D. Lockwood of Jacksonville, and Stephen T. Logan of Springfield, two staunch conservative Whig veterans, honored the convention with the experiences of their long political careers. The young lawyer from Carlinville, John M. Palmer, at this convention laid the foundations for the brilliant career which lay ahead of him. Judge Walter B. Scates of Mt. Vernon, was one of the most active influences in the convention. James W. Singleton of Mt. Sterling, Archibald Williams of Quincy, and David M. Woodson of Carrollton, aggressively upheld the Whig cause against the attacks of various capable Democratic opponents, among whom were Francis C. Sherman of Chicago, and Hezekiah M. Wead, a lawyer from Lewistown.[7]

The organization of the convention by the Democratic majority with Newton Cloud of Waverly as presiding officer, removed the potent influence of this preacher-farmer-legislator from the active counsels of the convention. The Whigs did not place a party candidate in the field but aided in the election of Cloud

[7] During the early days of the session a contemporary critic complained of an unwarrantable propensity for making speeches among "the unfledged politicians, and embryo statesmen." *Alton Telegraph and Democratic Review*, June 25.

over Zadoc Casey.[8] Henry W. Moore, a Gallatin County lawyer, was engaged to act as secretary and John A. Wilson as sergeant-at-arms.

The convention was now ready to proceed. The Sangamon County Whig delegates, Edwards and Logan, proposed, on the basis of economy, to ignore the legislative arrangement for the election of a printer with a fixed compensation and to let the work to the lowest responsible and capable bidder. They also opposed the election of assistant secretaries and of an assistant to the sergeant-at-arms. The Whig keynote, "economy, retrenchment, and reform," had already been sounded by Benjamin Bond of Carlyle, in a successful appeal to the convention to limit the number and pay of officers of the convention. The Democrats, unwilling to lose the fruits of their victory at the polls, challenged such economy and fought to rescind the Bond resolution; they claimed that all matters pertaining to the number and pay of officers had been settled in the legislative act which ordered the convention. They challenged the brand of economy that involved days of debate and a protracted session in order to save a few salary items, At length by sheer weight of numbers the Democrats won out and later elected the additional officers. The four days of debate on these preliminary questions seem not to have been entirely wasted. The discussion on economy developed into a consideration of the relative powers of the legislative authority of the state and of the convention; and while certain Democratic members regarded the Whig economy stand as involv-

[8] The Democratic caucus was unable to agree upon a candidate. Casey was brought forward as an anti-bank man and Dement withdrew in his favor; Cloud was supported by the advocates of a regulated banking system. *Chicago Democrat*, June 15, 22.

ing a waste of time "spent in demagogueism, in making speeches for Buncome,"[9] others, like Campbell of Jo Daviess, agreed with their opponents that the discussion was worth while because of its value in clearing up questions and enabling members "to arrive at the true principles on which they should act."[10]

The sixth day of the convention completed the preliminary work of organization. The rules of the convention had been agreed upon. Standing committees had been announced, and the order of procedure defined. The original constitution was to be read article by article and section by section and the amending propositions were to be referred for consideration to appropriate committees. On the fourth day, Woodson had presented a set of resolutions defining the authority of the three departments of state government; this proved to be an attempt, on the part of at least certain Whigs, to steal a march on their opponents, and after an extended debate the formal order of procedure was agreed upon.

On June 14, the question of the advisability of printing the debates was raised. Lanphier and Walker, who had been chosen official printers, were publishing in the *State Register* a record which, although fairly comprehensive, reflected the lack of formal obligation to present an accurate and complete account. The *Register* left to its rival, the *Sangamo Journal*, the opportunity of doing justice to addresses by Whig delegates. The reporters in any case defined their obligations in terms of journalistic practice rather than in terms of historical accuracy. But while the debate

[9] See *post*, 30.
[10] See *post*, 38; cf. 31.

brought out a substantial agreement that "the published reports of the speeches of members of this body, as found in the newspapers of this city, are very inaccurate and faulty,"[11] considerations of economy bore down the proposition for an official version; and the suggestion that the members personally contribute to the expenses of publishing the debates was never formally considered.

The convention of 1847 performed its task in a day when party allegiance weighed heavily upon the voter and his representative. The delegates in this case had been chosen primarily upon party lines altered to some extent by complex sectionalistic forces. The most fundamental force was the cleavage between the Democratic apostles of human rights and Whig championship of the rights of property. The Whigs trembled before the menace of "radicalism," of "Locofocoism;" the Democrats were kept in a state of terror by the incubus of "bankism" and its companion bogies. But sectional influences at times not only allayed these fears but even produced Whig "radicals" and Democratic "bankites."

The Whig delegates went to the convention with a strong conviction that it was their duty to "dull the edge of radicalism," to keep the new constitution from being made the "plaything of Locofocoism."[12] From the very start radicalism seemed to show "its cloven foot in the proceedings of the dominant party," but the

[11] See *post*, 75. Members frequently found it necessary to correct the newspaper accounts. See note 3, page 20, note 9, page 48, note 17, page 89. As influential a delegate as Scates commented on omissions as follows: "He would also state that there was no fear of his speeches being published; the reporters never reported him. He had made no *arrangements* with them for that purpose." See *post*, 792.

[12] *Chicago Daily Journal*, April 22; cf. *Belleville Advocate*, June 3.

Whigs were pleasantly surprised with the conservatism that revealed itself in a majority of the body.[13] On many points, too, Whigs could not but yield to the democratic trend of the age. But on questions that permitted a party alignment they rallied their forces almost to a man.[14]

The supreme test of strength between the convention parties came over the question of bank or no bank. The Democrats, who had for years been insisting that bank charters were "inconsistent with democracy or religion,"[15] who had sought to arouse the people against efforts to renew "the miserable rag system by which they have already lost so much,"[16] had raised this issue in the convention election. The Whigs, fearful of the "popular clamor" against banks, had evaded the question except in their own strongholds.[17] The election revealed not only a remarkable showing for the Whig candidates but even the election of a considerable group of "bank Democrats." The tendency of leading Democratic spokesmen to turn the "bank Democrats" over to the opposition,[18] no doubt consolidated the pro-bank party and made it a conservative force by which other Whig propositions were carried.

In organizing the convention the bank party had supported Newton Cloud, as favorable to banks under

[13] *Chicago Daily Journal*, June 14; *Alton Telegraph and Democratic Review*, June 11, 25. The *Telegraph* actually forecast a constitution "that will be satisfactory to the people, and beneficial to the State."

[14] *Illinois State Register*, July 31, August 6; *Shawneetown Democrat*, in *Chicago Democrat*, August 24.

[15] *Chicago Democrat*, January 26, 1846.

[16] *Joliet Democrat*, in *ibid.*, July 18, 1846.

[17] *Chicago Daily Journal*, March 18; *Sangamo Journal*, April 29; cf. *Illinois State Register*, July 1.

[18] "We freely turn over to their aid every bank democrat in the State (if there is such a white blackbird)." *Chicago Democrat*, April 6; cf. *ibid.*, April 13.

proper restrictions, over Casey, a straight-out anti-bank man. So the bank issue was in the foreground from the very start. Lines were drawn between those in favor of a complete prohibition of banks and those willing to accept a properly safeguarded general banking system.[19]

On June 14, in spite of the fact that the convention had voted a regular order of procedure which made such action premature, anti-bank resolutions were introduced by Markley and Pratt and the rules suspended to permit their reference. From this time the bank question was almost daily before the convention, consuming a large share of its time and efforts. On fourteen days of the session it was the direct subject of debate and was almost as frequently linked with other questions that came up. On June 15, Hurlbut brought up a resolution in favor of the liberal New York system of banking. Opportunity was then afforded to take test votes which resulted in a rejection of both the New York system and the prohibition proposition.[20] Only fifty-two Democrats and six Whigs from southern counties lined up for complete restriction; it was as much a case of northern Illinois versus Egypt as Whig versus Democrat. On June 22, Gregg of Cook County introduced resolutions to inquire into the expediency of a highly restrictive general banking law. The fight then centered on the question of absolute prohibition or a regulated system. The committee on incorporations finally brought in a majority report for restriction

[19] According to an early canvass only one Whig, Davis of Bond, was for prohibition while two Democratic members from Will, two from Morgan, two from Du Page, one from Cook, and probably others were opposed to absolute prohibition. *Chicago Daily Journal*, June 21; cf. *Illinois State Register*, June 19, 24.

[20] *Illinois State Register*, June 24, 25.

and a minority report for prohibition.[21] In the first half of August this question was contested to a decision. The final result was an article prohibiting a state bank, but permitting the legislature to enact laws authorizing corporations or associations with banking powers provided that they should not go into effect until submitted to the popular vote.

The Whigs made their first offensive move in proposing a poll tax on June 16. They defended it on the basis that every class, and not merely the property holders, should bear a share of the public burdens. Democratic spokesmen exploded the assumption that non-property-holders did not contribute to the support of the state and condemned the tax as wrong in principle. After a long discussion the poll tax proposition was carried, 108 to 49, leaving the levy of the tax to the discretion of the legislature. The Democratic support of this proposition came largely from southern Illinois.[22]

The Democrats had always charged their opponents with nativism; the debates at the convention of 1847 showed that this charge was not without a foundation of truth. This was first suggested in the proposal that "no person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of Governor;" the Whigs generally took a stand in favor of this provision or of Logan's amendment requiring a fourteen-year residence period of naturalized citizens. The party line was even more sharply defined later when the

[21] Harvey presented the majority report and Kinney the minority. Both were Democrats. See *post*, 312–315.

[22] See *Chicago Democrat*, June 22. Wead and Farwell objected to this special burden upon residents of the state while non-residents "by whom the greater part of the land in our state was owned, paid none of it." See *post*, 622, 624.

suffrage question came up and the Whigs insisted upon a citizenship qualification for all who should in the future immigrate to Illinois. The Democrats generally defended the right of foreigners to a voice in elections but defection from their ranks enabled the Whigs to carry their point for what they considered a true Americanism.[23]

In the matter of the veto power the Whigs won another victory. The Democrats had come to the convention with a strong determination to provide for an effective gubernatorial veto sufficiently guarded from abuse. In general they preferred that a veto should be overriden by nothing short of a two-thirds vote. The Democratic leaders eloquently expounded their position and cracked the whip to bring their followers into line; but when the constitution took shape, the Whigs rejoiced in an arrangement which permitted the same majority which should have passed a law in the first instance, to enact it over the gubernatorial veto.

Most Whigs, as well as Democrats, had yielded to the democratic tendency toward a popular election of state officials, toward even an elective judiciary. Largely for political reasons, which received strong sectional reinforcement, they advocated the proposition of having the supreme court consist of three judges elected by the three respective sections of the state. The Democrats favored the general ticket system of election which would enable them to control the entire body by capitalizing their numerical superiority. After a long verbal battle it was agreed that the state

[23] *Illinois State Register*, July 27, 29, August 26; *Journal of the Convention*, 206, 207.

should be divided into three grand divisions and the qualified electors of each division should elect one of the judges for a period of nine years, with the proviso that after the first election the general assembly might have the power "to provide by law for their election by the whole state, or by divisions," as it might deem expedient. This was clearly a compromise arrangement.

A lively skirmish took place over negro immigration into the state. A little corporal's guard of anti-slavery men went to the convention determined not only to incorporate a slavery prohibition into the constitution but also to remove any legal basis for acknowledging its existence in other states. The Covenanters of Perry County and citizens of Randolph County encouraged them with petitions praying the abolition of all civil and political distinctions on account of color and the motion by Whitney of Boone County to strike out "white" in the resolution defining the franchise arrayed the seven champions of negro rights against the 137 other delegates.[24]

Next, Bond of Clinton County brought in a resolution in favor of an article prohibiting the immigration of free negroes into the state. This precipitated a heated debate with dramatic scenes. Again party lines broke down and northern delegates wrestled against the power of southern and central Illinois.[25] The committee on the Bill of Rights eventually brought in a section instructing the legislature to enact laws to prohibit negro immigration. It was later decided,

[24] See *post*, 105 ff., 170 ff.

[25] On a test vote of eighty-seven to fifty-six, only eleven Democrats voted in the negative. Only five votes came from delegates representing counties south of Morgan County. *Journal of the Convention*, 455–456.

however, to make an independent article of the negro immigration restriction with provision for separate ratification. A numerous minority tried to secure the adoption of clauses prohibiting the extension of suffrage to negroes and mulattoes, rendering them ineligible to hold office, and prohibiting the intermarriage of blacks and whites. It was pointed out, however, that this was an implied admission of their possession of such rights as citizens of Illinois and of the United States and such clauses were accordingly omitted from the constitution.

While the Illinois convention of 1847 worked at its tasks, war was raging between the United States and the Mexican republic to the south. Abraham Lincoln in behalf of Illinois Whiggery, claimed that the war had been "unnecessarily and unconstitutionally commenced by the President." On July 11, 1847, the Reverend Albert Hale, pastor of the Second Presbyterian Church of Springfield, delivered two sermons in which he boldly proclaimed the injustice of the national cause and its demoralizing effect upon the nation. In the course of his remarks he was said to have stated that the volunteer, who was just then being welcomed back as a hero, had been transformed by the war into a "moral pest to society."[26]

Mr. Hale was one of the local clergymen who had officiated in the convention at the opening prayers. On July 12, Akin of Franklin county denounced Hale's preaching before the convention and proposed that the clergyman "be excused from holding prayers in this convention for the future." The convention, however,

[26] See *post*, 387; *Illinois State Register*, July 22.

by an overwhelming vote adopted a motion to table Akin's resolution. A long debate followed: the resolution was renewed, but John M. Palmer, a pro-war Democrat, moved a substitute declaring the principles of freedom of worship and freedom of speech and disclaiming "all censorship over the pulpit, or the opinions expressed therefrom, inasmuch as such censorship is in violation of the rights of the Rev. gentleman."[27] The resolution virtually sustaining Mr. Hale was barely tabled (60–54), but the general declaration in favor of the principles involved was upheld (9–102). The convention then adjourned in order to proceed to Jacksonville to participate in the ceremonies attendant upon the funeral of Colonel Hardin, the Illinois war hero, in whose memory the delegates were, according to unanimous agreement, wearing crépe arm bands for a period of thirty days.

When Mr. Hale next appeared before the convention to offer prayer he was "grossly insulted and menaced with bodily injury by a member of the convention." On July 20, therefore, it was agreed that "whereas, it is alike due to the Convention and the ministers that we should not invite them to perform that duty unless we could secure them against such indignities," the custom of opening prayers should be discontinued, not "from any dissatisfaction with the manner in which they [the clergymen] have discharged their sacred duty, but solely from an unwillingness to subject them to a repetition of such indignities."

On July 22, Hale's assailant was given a further rebuke in a debate over a resolution concerning the

[27] *Journal of the Convention*, 168.

election of a chaplain, which was defeated because it might have been interpreted as the result of a desire "to get rid of our chaplains and to procure others."[28] On July 26 the resolution of July 20 was rescinded and the president was requested to provide for the opening of the morning session with prayer.

By the middle of August the Whigs, with Democratic assistance, had carried every point upon which they had cared to make a stand. Democratic critics of orthodox stripe were completely disgusted. The correspondent of the *Chicago Democrat* suggested that the convention ought to be turned out "*a la* Cromwell:" "The truth is, the convention is too horribly *conservative* to be of much use. Liberal principles stand no chance whatever. . . . True Republicanism is daily spurned and trampled under foot."[29] There was also fear that the plan of apportionment for the senate endangered Democratic control of that body, if it did not actually turn it over to the Whigs.[30]

After the convention had finished its work, zealous Democratic champions became more and more convinced that the new constitution was "a mongrel affair" likely to "make trouble."[31] Inasmuch, however, as 131 out of 138 members of the convention had given a final endorsement to the new constitution, few were willing to come out into a position of open hostility. Whigs meantime proclaimed the document as worthy of support because it was not a party constitu-

[28] See *post*, 487.

[29] "Buena Vista" on August 11, in *Chicago Democrat*, August 24. See also "Beuna Vista" on August 6, in *ibid.*, August 17; *Shawneetown Democrat* in *ibid.*, August 24.

[30] *Chicago Democrat*, January 4, 1848.

[31] Mark Skinner to Governor A. C. French, February 29, 1848, French papers; see also Koerner, *Memoirs*, 1: 523–524.

tion. Everyone agreed that many of its provisions were a decided improvement upon the old constitution, and this made it risky to reject a document wrought at so much expense to the state. To the average voter the strict regard for economy displayed by the convention was an important factor in attracting his support.[32]

In the ratification election on March 6, 1848, the constitution was adopted by a vote of 60,585 to 15,903. The separate negro immigration clause was ratified, 50,261 to 21,297. The convention, confronting the huge indebtedness which spelled virtual bankruptcy for the state, had decided not only to practice economy but also to stabilize public credit. A two mill tax was therefore agreed upon with provision for separate ratification. For this feature there was little enthusiasm although it was adopted, 41,349 to 30,945. Thus with a narrow gauge economy was linked a device which later aided materially in the financial rehabilitation of Illinois.

[32] *Belleville Advocate*, January 20, 1848; *Quincy Whig*, February 2, 1848.

I. MONDAY, JUNE 7, 1847

In pursuance of the provisions of the act of the General Assembly, approved Feb. 20, 1847, entitled "An act to provide for the call of a Convention," the delegates to said Convention, chosen under said act, assembled this day in the hall of the House of Representatives, in the state house at Springfield, at 3 o'clock, P. M.

Mr. SHERMAN called the Convention to order,[1] and moved that ZADOC CASEY be appointed President *pro tem.;* which motion was unanimously adopted.

On motion of Mr. SCATES, LOUIS M. BOOTH was appointed Secretary *pro tem.*, and J. A. WILSON, doorkeeper *pro tem.*

On motion of Mr. SHERMAN, Mr. CLINE was appointed assistant door-keeper *pro tem.*

Mr. THOMPSON moved that the names of the members be called.

Mr. SCATES suggested the propriety of having a magistrate to adminster the oath to the members.

The CHAIR suggested that no oath was necessary; and he further suggested that, as the Secretary called the members by counties, they present their credentials.

On motion of Mr. DEMENT, Mr. MOORE of Gallatin county was appointed Assistant Secretary *pro tem.*

The Secretary then called over the list of delegates, who, as their names were called, presented their certificates of election; after which they were again called, alphabetically, and the Chair announced that there were one hundred and fifty-four delegates in attendance.

Mr. SCATES offered the following resolution:

Resolved, That each delegate of this Convention, before proceeding to the transaction of any business, take an oath to support the Constitution of the United States.

[1] Biographical sketches of the members and officers of the constitutional convention will be found in the biographical appendix.

In offering the above, Mr. S. said, he was aware that the powers of this Convention are elementary, and that the members were not under any obligation to take an oath; yet, while there was no form of an oath prescribed for the members, he hoped they would take this one.—There was an apparent propriety in the oath, as no form of government they could adopt would be valid unless it corresponded with the constitution of the United States.

Mr. THOMAS was not satisfied with the oath proposed to the Convention by the gentleman from Jefferson. Where was the necessity for any oath? This Convention represented the sovereignty of the state of Illinois. Its members were not responsible to any power for the violation of the oath, if taken. No punishment could be awarded for a breach of it. He would remind the gentleman that there were constitutions adopted in other states before the United States had a constitution, and, therefore, he could see no obligation to swear to support the constitution of the United States. This was his present view, but if the gentleman could satisfy him that it was proper, he would vote for it.

Mr. MINSHALL said that there would seem a manifest propriety in taking an oath which, although it might be said, would impose no additional obligation, still could work no injury. Further, that as no form of government could be established by this Convention that would differ in character from that of the constitution of the United States, it appeared to him quite proper, though perhaps not necessary, to take an oath to support the constitution of the United States. He, however, would move, as an amendment to the resolution, the following, to be added thereto: "and to faithfully discharge the duties of their office as delegates of this Convention, for the purpose of revising and amending the constitution of the state of Illinois."

The amendment having been agreed to, the question was put on the resolution, as amended, and decided in the affirmative.

Mr. DAWSON moved that WILLIAM LAVELY, esq., be called within the bar to administer the oath.

Mr. LOGAN said, that for the purpose of economizing time, he hoped that the oath would be administered to the body collectively; which mode would save considerable time, and could be

performed by the members without leaving their seats, simply by raising the hand. He made a motion to that effect.

Mr. SCATES hoped the oath would be administered, if done at all, in a more dignified manner than that suggested by the member from Sangamon. The plan suggested might save a few moments' time, but would not comport with the proper dignity which should accompany the administration of an oath. It reminded him of the manner in which the oath of allegiance was administered by the conquerers of New Mexico.

Mr. LOGAN then moved a division of the question; which was lost.

The members then were called to the desk by the Secretary, ten at a time, and the oath, as adopted, was administered to them by WM. LAVELY, esq.

Mr. SERVANT moved that the Convention adjourn. Negatived—yeas 53, nays 92.

Mr. BOND offered the following resolution:

Resolved, That we will now proceed to organize this Convention, by electing a President, one Secretary, and one Sergeant-at-arms, and that no other officers shall be constituted or appointed until it becomes necessary, in the opinion of the President and principal Secretary, to employ some competent person to assist the Secretary in the discharge of his duties; when the Secretary may employ a competent assistant, to whom shall be paid the sum of two dollars per day, while necessarily employed; *Provided*, the Sergeant-at-arms may, in his discretion, employ some able-bodied person to assist him in discharging his duties, to whom there shall be paid a sum of one dollar per day, for each day necessarily employed; and he may employ two active, orderly, and competent boys as messengers, &c., who shall each be paid the sum of fifty cents per day for the time employed.

In offering this resolution, he had but a few words to say. He intended no speech in support of it. If not all, many of us came here for purposes of economy, retrenchment, and reform. This proposition at this season can carry out that purpose. We can at this season of the year dispense with many officers; for after the Convention is organized, the Secretary alone can perform all the

duties of the office. We need, at least I think, but one Secretary; there is no necessity for an assistant. The resolution, however, provides for the employment of one when his services are required. —There is not the mass of business, nor the great amount of copying to be done, as is the case at a meeting of the Legislature. The Sergeant-at-arms, when he required assistance, was empowered to employ it, at two dollars per day. The resolution he understood would meet with entire approbation. The boys provided for by the resolution can easily be procured here, at the rate fixed—fifty cents a day.

The resolution, upon a division, was adopted. Under it, the Chair announced the next business to be the election of a President of the Convention, and suggested that the mode of electing him was as the Convention would direct.

Mr. WILLIAMS reminded the Chair that the act of the Legislature providing for a call of a Convention, directed that he should be chosen by ballot. We might, it is true, repeal the direction, but until it was repealed, he considered that we should conform to it. He moved that they proceed to elect by ballot.

The reading of the law was called for, and the Secretary read the 5th section of the act providing for a call of the Convention. The motion was then put and carried.

The Chair appointed Messrs. LOGAN, SCATES, and DUNLAP, tellers; and they, having received the ballots of the members, and counted them, reported as follows:

For NEWTON CLOUD, 84; ZADOC CASEY, 65; ARCHIBALD WILLIAMS, 2; CYRUS EDWARDS, 2.

Whereupon, the Chair announced that NEWTON CLOUD, esq., had been elected President of the Convention, and requested MESSRS. THOMPSON and HAY to conduct him to the chair.

Upon taking the chair, the President said—

Gentlemen of the Convention: It is but proper, on entering upon the duty assigned me by the choice just made, that I should return you my most sincere thanks for the honor you have conferred.

I enter upon the discharge of the duties of President of this Convention with much embarrassment, for I feel that I have a difficult and important duty assigned me.

I can only promise that my best efforts shall be made to discharge that duty faithfully and impartially, and that all the little ability that I possess shall be devoted to the despatch and furtherance of the public business. I will not allude, however remotely, to the great objects upon which we have been called to act, but will conclude by returning you again my sincere thanks for the honor you have conferred on me.

Mr. DAVIS of McLean moved to proceed to the election of a Secretary by acclamation.

Mr. THOMAS. We are not all in favor of the same man. I object.

Mr. DAVIS. I, then, move to vote for Secretary *viva voce;* which motion was adopted.

Mr. WILLIAMS nominated Mr. BURT of Quincy.

Mr. BALLINGALL nominated H. W. MOORE of Gallatin and the Convention proceeded to vote for Secretary.

Mr. MOORE received 91 votes; Mr. BURT, 59; scattering, 1; and Mr. MOORE was declared elected.

Mr. ALLEN nominated, for Sergeant-at-arms, Mr. J. A. WILSON.

Mr. CONSTABLE moved that Mr. WILSON be elected by acclamation, and, after some debate, withdrew the motion.

The Convention divided on the nomination, and Mr. WILSON was declared elected, he receiving 99 votes.

Mr. THOMAS moved the Convention adjourn. Lost—yeas 53, nays not counted.

Mr. CAMPBELL of Jo Daviess moved that the Convention proceed to the election of a printer.

Mr. LOGAN moved to lay this motion on the table, to enable him to offer a resolution in relation to the selection of a printer; which motion was carried.

Mr. LOGAN then offered the following resolution:

Resolved, That the printing of this Convention shall be let to the lowest responsible and capable bidder.

Mr. EDWARDS of Sangamon offered, as a substitute: "That a committee of five be appointed by the President to receive proposals for the printing of the proceedings of the Convention,

and that they be directed to contract with the lowest responsible bidder, and report at as early a day as practicable.

Mr. SHERMAN asked, are we not getting along a little too fast with this resolution? The law provides that we shall elect a printer, and that law fixes the price to be paid, with which the Convention has nothing to do.

Mr. LOGAN said that, waiving for the present a discussion of the right of the Legislature to limit this Convention, look at the proposition in another way. Can we not receive the bids of all persons who may desire to perform this work, with the rates, &c., compare them with the rates allowed the public printer, and then can we not elect that one who will do it the cheapest?

Mr. DEMENT rose, not for the purpose, particularly, of opposing the resolution, but to inquire of some of the members of the last Assembly how far the words, "shall receive the same compensation as is allowed by the present Assembly," have effect upon this resolution. He did not intend to argue whether we have the power to go beyond the law, but how far, inasmuch as we had obeyed the restriction of the law in one case, the election of President by ballot, we should still go with that law. As soon as we had chosen the President by the mode prescribed in this law, we then, when the law requires no form of election, dispose of the others in the most summary manner. This was conceded by gentlemen for the purpose of conforming to the act of the Legislature; and he apprehended that the resolution now offered did come in conflict with those words of the act in relation to the printer, where it says "he shall receive the same compensation as the same officer receives from the present General Assembly." He moved to lay the resolution on the table, but withdrew it, at the request of

Mr. SCATES, who said that the act of the Legislature provided a compensation to be allowed for printing for the Convention.

The resolution stating what should be the officers of this Convention had been passed without debate; and he disliked to see resolutions spread on the record appropriating money without authority. Where have you the power to do so? He doubted very much if the members of the Convention could get paid for their services unless the Legislature had provided and appropriated

the means for that purpose. The constitution of the state expressly states how and by whom money shall be appropriated. The Legislature has fixed our pay; we can take less, but no more. The Legislature has provided a printer for us, and fixed his compensation, and states that he shall be elected by the Convention. The resolution now before us confers the power upon five members of this body to give the printing. We may receive the services of the printer, under that contract, but can we appropriate the money to pay for it? He disliked to do things where the power to act was of a doubtful character. He would like the resolution already passed, changing the pay of the door-keepers, rescinded, and the present one laid on the table. He moved to lay the resolution on the table.

Mr. LOGAN demanded the yeas and nays; which were ordered and taken, and the resolution was laid on the table—yeas 82, nays 70.

Mr. CAMPBELL of Jo Daviess renewed his motion to proceed to the election of a printer.

Mr. WILLIAMS stated that one reason why the resolution of Mr. LOGAN had been laid on the table, was to enable members to reflect on the matter. He was for economy; and if there was any person willing to do the work cheaper than another, he desired to give it to him. He moved to lay Mr. C.'s motion on the table; which was carried.

Mr. EDWARDS moved that a committee of five be appointed to prepare and report rules and regulations for the government of this Convention. Agreed to.

A motion to adopt, for the present government of the Convention, the rules of the last House of Representatives, was laid on the table.

Mr. EDWARDS of Madison offered the following resolution; which was adopted:

Resolved, That the Secretary be directed to call upon the clergy of the different denominations in the city, and to solicit an arrangement among them for opening every morning, by prayer, the meetings of the Convention.

Mr. BALLINGALL offered the following resolution; which was adopted:

Resolved, That the Secretary prepare ballots, properly numbered, for seats for the members of the Convention, and that the members proceed thereafter to draw the ballots for their respective seats.

Mr. PALMER of Macoupin offered the following resolution; which was adopted:

Resolved, That the editors and reporters of the newspapers published in this state be allowed seats within the bar of this hall.

On motion, the Convention adjourned till to-morrow, at 10 o'clock, A. M.

II. TUESDAY, JUNE 8, 1847

After an appropriate prayer by the Rev. Mr. BARGER[2] of Springfield, the Convention resumed its deliberations.

Pursuant to the resolution adopted yesterday, the members proceeded to draw the ballots for their respective seats in the hall.

Mr. BROCKMAN offered the following resolution; which was adopted:

Resolved, That for the comfort and convenience of the members of this Convention, the Sergeant-at-arms be instructed to have removed the railings from the hall, and to place the seats of members further back towards the corner of the hall.

Mr. WEAD offered the following:

Ordered, That so much of the resolution of the member from Clinton, offered yesterday, as provides for limiting the number and pay of officers of this Convention, be rescinded.

In offering this resolution, Mr. W. said, that he was of the opinion that the resolution which it proposed to rescind in part, had been introduced and passed yesterday without the members having had time for consultation, and without their being apprised of its effect. That resolution, if he understood it properly, limited the number of officers of the Convention, and fixed their salaries at a price below the rate provided for in the act of the Legislature. True, it allowed the employment of an assistant Secretary and an assistant Sergeant-at-arms.—He thought it most imprudent thus to limit, by resolution, the officers of the Convention, when that Convention were the proper judges of what officers they required. The Convention would require the services of two Sergeants-at-arms; one cannot do all the work, for his services would always be required within the hall, while another would be required to go elsewhere, and perform duties beyond the hall. I object to our granting the Secretary power to

[2] Probably John S. Bargar, pastor of First Methodist Episcopal Church of Springfield. Inter-State Publishing Company, *History of Sangamon County*, 600.

name a deputy when he shall deem it necessary. That right belongs to this Convention only. The saving proposed by this resolution is but a small matter; the people of the state of Illinois do not require such economy—the cutting down of the salaries of two small officers. Our object is other than a legislative one; it is to revise the constitution of the state of Illinois, and not to fix the compensation of her officers. We may place in the constitution that the Secretary and Sergeant-at-arms, hereafter to be appointed, shall not receive beyond the sums provided in the resolution, but can we, by a mere resolution, enact a law?—But the resolution does not intend that it shall be incorporated into the constitution we came here to revise and adopt; and is it any part of our duty to meddle with the pay they shall receive?

The Legislature might pay them, or fix the sum that they should receive at what amount it pleased; it might appropriate them nothing if it pleased, for it was a matter entirely with that body.

It had been said that this provision might be placed in the constitution, but how? This resolution contemplates no such thing; it has reference merely to the officers whom we shall employ, and for the payment of whose services the Legislature has already made an appropriation. By what reason, right, or justice, then, can we fix the amount of their pay?

Is it economy for members—or do they think that the people require such economy—to reduce the pay of officers who will have to labor the whole day in the faithful discharge of their duties to earn one dollar per day, when we take four for ourselves. The saving contemplated would reduce the taxes but little; it is a matter the people are not looking at. I hope the Convention will not rise until it has reduced the expenses of from over $200,000 per annum to something less than one hundred thousand dollars. Let them but pursue a course to effect that object, and not commence on this matter. Let them reduce the tax below sixty-five per cent. on personal property; let them reduce the county taxes, of which but little is used for county purposes, and let these small officers alone.

He considered that the resolution had been passed without being understood by the members of the Convention, and he

regretted it; for he considered that it frequently took longer to undo a wrong action than to defeat or avoid it in the first instance.

Mr. BOND said that he had offered the resolution, and it was only because it had been offered by him that he rose to say a few words in reply to what had fallen from the member from Fulton. That it had not been discussed was very true, but he did not think that there was any discussion necessary upon it; it bore on its face—in the very words of it was expressed the great objects of its introduction—retrenchment and reform.

We have come here for the purpose of retrenching and reforming the expenses of our government, and he did not think of coming here to carry out one thing and do, in fact, another. He thought straws showed which way the wind blew. He was for economy in all proceedings of the Convention, and would show his sincerity if the gentleman would introduce any proposition to reduce the pay of members, he would vote for it. The resolution had not been intruded upon the Convention: it had been offered in good faith, and he believed it ought to meet the approbation of the Convention. He asked, who, when the constitution under which we now live had been adopted in the first instance, had fixed the pay of members? The Legislature telling this Convention what to do, is like the preacher telling God what is right.

He was confident the resolution was not understood: it did not interfere with the pay of the Secretary or Sergeant-at-arms—they still receive the pay allowed them by the Legislature; but it only prescribes what shall be paid to their assistants, whom they are authorized to employ when their services are required. He had experience in the duties of Secretary of legislative bodies, and he was convinced that one person could perform all the duties of that office for this Convention. There was not that mass of copying, nor that interminable labor to be performed as in the Legislature. Also, *one* Sergeant-at-arms could perform the work of that office; but if not, the resolution allowed him to employ an assistant, at one dollar per day—and plenty could be procured to do the work at that rate; even here they could be procured, as well as by searching from the southern border to the most northern counties for men, who were to be brought here to fill these offices

especially reserved for them. No fires were to [be] built; various other duties usually performed by the Sergeant-at-arms could be dispensed with. Nor would that officer have to go round looking up the members of the Convention, as was often the case in the Legislature. He hoped the gentleman from Fulton would aid in reforming the constitutional expenses of the government. Let him come forward with his proposition to lower the salaries of all, and he (Mr. B.) would vote as low as the gentleman from Fulton dare.

He would like to reply to some of the logic of the gentleman from Jefferson (Mr. SCATES,) if he really knew what kind of logic it was that he had used yesterday. He (Mr. B.) had read none, and he was disposed to inquire of Mr. S. what kind he had read. He had understood the gentleman from Jefferson to say that we could reduce the pay of the members, but not of the officers of the Convention.

Mr. SCATES. I did not say that we could reduce the pay of the members; the gentleman did not understand me.

Mr. BOND resumed, by stating that he had misunderstood the gentleman. He had occupied more time than he had intended when he commenced. The resolution was intended only to govern the present officers of the Convention; and a more proper time would arrive for the discussion. A committee had been appointed to prepare and report rules and regulations for the Convention, and they will no doubt report what officers are necessary. When they did so, then would be the proper time for the discussion of this question.

Mr. MINSHALL asked, if the resolution to rescind was in order. Would not the proper way be to move to reconsider?

The CHAIR ruled that the resolution to rescind was in order.

Mr. WEAD said, that it had been insinuated in the remarks of the gentleman that he had argued that this resolution had been *intruded* upon the Convention. He had said no such thing; nor would any language used by him justify such a construction. He had said, however, that it had been passed without the members having had time for reflection. He could not see any reason why the Convention should not rescind the resolution of yesterday. We had been sent here for the purpose of retrenchment and reform

of the evils of the old constitution. Was one of the evils of that constitution an allowance of four dollars to our Sergeant-at-arms? We save, by this resolution, four dollars a day in the pay of Secretary and Sergeant-at-arms. Did the people require this of us, he would vote for it; but he was satisfied that they were willing that we should allow them liberally for their services. Mr. W. was as willing as Mr. B. to reduce the county expenses by every means in their power, from over $650,000 to less than $300,000.

He was not familiar with the duties of Secretary, but judging from the vast amount of business yesterday, he considered that it was impossible for one to do it alone. Gentlemen should remember that this is the largest body ever convened in Illinois, and that more officers were required than in any other that has met before.—He considered the doctrine, that we had a right to fix the pay of members or officers otherwise than as directed by the act of the Legislature, as perfectly preposterous. That we had the right to regulate future officers' salary, by engrafting a direction in the constitution, was perfectly right, but to regulate their pay by a simple resolution of the Convention was out of the question.

Mr. BOND read a portion of Mr. SCATES' remarks, of yesterday, as reported in the Register, as going to establish that he was not alone in his understanding of Mr. S.'s remarks; to which

Mr. SCATES briefly replied.

Mr. LOGAN said there was nothing in the question itself, as to what pay should be allowed the Secretary and Sergeant-at-arms that was worthy of the consumption of the time of the Convention; but there was the same principle in it which affected a large class of other questions of more importance, and which should be settled.

Gentlemen, he had observed, in his experience, were never able to find the starting point where retrenchment should commence. All economy, he always found, was commenced in small matters. You may look around in vain for a large one; whenever you raise your arm to strike, why the answer comes, "that is a small matter, let it alone." We must make one strong blow. Now is the time. The subject is not, it is true, a large one, but we must commence. I am in favor of commencing now, because of the peculiar circumstances in which the people of Illinois are situated. I am in favor

of meeting that situation and carrying the work of retrenchment throughout all its ramifications. Our state is loaded with a heavy debt, under which the people and their property are groaning. The people call on us to save, in the expenses of their government, not hundreds, but thousands. Speak not to them of liberality till our state is in different circumstances. Liberality ceases to be a virtue when it postpones justice! Whenever we are obliged to lay a tax upon the country too heavy for the proper support of the government of that country, I am for striking at the root of all unnecessary salaries—reducing them. An enormous debt is overhanging us. We are taxed to the full measure which the people can endure. We must pay the large debt we owe, and which is fast becoming a burden not only upon us, but will be on those who shall follow us. Our creditors are demanding payment of our debts; can we talk of liberality? Liberality is incompatible with the present situation of the country. Were the whole people gathered here, they would have no right to give salaries beyond what is strictly necessary. I am for saving every dollar that can be saved. It is necessary that proper officers should be chosen and paid to perform the functions of government; and I am willing to pay in every department only just sufficient to procure the services of such men. It is not proposed to reduce the pay of the principal secretary, and he is allowed to employ an assistant when his services are necessary. One will be sufficient, another would be supernumary [*sic*]. At the commencement there was of course a greater press of business—of resolutions; that is all over. Hereafter we will have committees to prepare the business. Discussions upon the great questions will commence and occupy the greater part of the time. The question of a bank will come up and be discussed; there will be no bills, no petitions, no local legislation. We will have but little use of the Secretary, and less of his assistant. The resolution contemplates the employment of an able-bodied assistant and two boys—what do you want with more of them? Two boys can receive the propositions of 162 members as fast as they can be presented. We should give salaries only sufficient to procure the services. Can we procure them at the prices contained in the resolution? My word for it you can. I want this to be a precedent for everything else.

There is a section in the constitution of Vermont, which sets forth that every man should have some profession and mode of life, and should do everything in his power to aid the government; that when his assistance to the government works injury to him in his business, he should be remunerated; but when the salaries of officers are used as a source of profit, that then they should be cut down and reduced. If this is a correct principle it should govern us. Are not these offices sought for profit?—The very fact of the applicants seeking and desiring them proves it, not to speak of their electioneering. I could scarcely get along the street with the constant applications, and I cannot comprehend how my democratic friends survive it at all. If we can get persons to do the work, that is evidence that the prices are high enough. If we cannot, why then we can raise them.

My constituents desire the most rigid economy in all things, which will enable them to pay off their just debts. I am not for stopping here, but for continuing it for all time to come, or until we are relieved from debt.—Now is the time. Let us begin and apply the principle to ourselves and our officers; let it operate now.—There is no use in procrastinating. We have been insolvent long enough; we have delayed payment of our just debts long enough. Apply all you can save to the liquidation of the state debt.

The next question was the power of this Convention. An oath to support the constitution of the United States had been proposed and taken, because we can do nothing in contravention of that instrument, and because there was no other power to limit us. Where is the limitation of the power of this Convention over the treasury? Point it out.

Mr. WEAD explained.

Mr. LOGAN resumed. It was said yesterday that we could draw no money from the treasury because the constitution pointed out the manner in which it should be done. I differ in opinion on this matter. We have the power to prescribe the powers and duties and salaries of all officers. Can we not fix in the constitution that money shall be paid from the treasury only on general principles? The Legislature has appropriated the money to pay us and our officers; to be paid on the certificate of the President.

Can we not say that our officers shall not draw the money? Can we not, by resolution, control the certificate of the President? Have we no power, except what is expressed in the act? Does that give us the power to make rules and regulations for our government? It does not, yet we have appointed a committee to report such rules, and we will adopt them.

This resolution is right in itself. It advertises the men employed what they shall receive. If we are sincere in our professions of economy, don't let us differ as to the mode, the how, or where, but let us preserve the principle, and carry it out at all times. Let the gentleman who proposes to rescind propose his plan to economize, and I shall not be found wanting. Is there anything said in the act that we shall not amend the constitution by a resolution? Not a word. There are many things to be done in this constitution which are but temporary provisions. In our present constitution, the judges of the supreme court were to receive $1,000 a year, for a certain time, payable quarterly. The Convention that formed that constitution made this appropriation, and no Legislature could repeal it. We may district the state for the next Legislature, and make many other alterations of a temporary character. I don't care for the form—for the mere saving of a few dollars; but I contend for it as a principle, and intend it as a precedent. But when the state is in debt, and there are, in those countries now visited by famine, many widows and orphans who hold our bonds, and are undergoing the utmost privations because the interest of our debt is not paid, I say again, this is not time for liberality.

Mr. BALLINGALL moved that the Convention adjourn till the afternoon, at 3 o'clock. Carried.

AFTERNOON

Mr. HARVEY moved to strike out all after the word "resolved," in the motion of Mr. WEAD, and insert "that the members and officers of this Convention shall receive the sum of $2.50 per day, each."

Mr. PALMER of Marshall moved to amend the proposed amendment, by striking out the words "and fifty cents."

Mr. DEMENT rose to offer an amendment; but the CHAIR

ruled it out of order, there being an amendment to an amendment pending. He then stated that he did not believe, nor did he think any other member believed, that any resolution of this body could prevent the members, or such of them as would demand it, from receiving the sum of four dollars per day—as fixed by the Legislature. He denied the position assumed by the gentleman from Sangamon (Mr. LOGAN,) that the acts of this Convention would be paramount to any law of the land, until it had been approved and ratified by the people in the manner prescribed by the law. In case, asked Mr. D., we did make an enactment, where would be its power or its force, or its binding obligation on any one, if the constitution we shall adopt is rejected by the people? It appeared to him that the powers of this Convention had been narrowed down to a mere power to *propose* amendments, or a substitute for the present constitution of the state; and what we may do may pass as a dead letter from our hands, and be received with the contempt of the whole people.

He had heard much talk about economy; and the gentlemen who had made speeches on that subject might have spoken in all sincerity, or it might be to add to their already well established reputations for eloquence and speech-making.

He was of opinion that the Convention could appropriate no money, unless the clause making the appropriation is made a component part of the constitution; nor could the money thus appropriated be drawn from the treasury until the constitution containing the appropriation had been approved and ratified by the people. It was proposed by this resolution to pay the Secretary four dollars per day, under the law, and the assistant but two dollars.

He was satisfied that we could not alter the salaries of our officers from the sum fixed by the Legislature, without making that resolution, or proposition containing this alteration, a component part of the constitution, and submitting it to the people for their ratification. Our mere enactment has no force whatever. —Our constitution, if we can dignify it by such a name, will not be obligatory, in the least, on any one here or in the state, until it shall have been approved by the people. And he begged members not to encumber that instrument, which they had convened here

to frame, with these small and trifling sections, all of which would endanger the adoption of the constitution. He said, that upon all of the great and important subjects which would engage the deliberations of that body, they were familiar with the feelings, sentiments, and opinions of their constituents, and were ready and prepared to vote upon them; but upon these little questions, which had never been the subject of thought among the people, the members of the Convention could not say what were the sentiments of their constituents; and by voting for their incorporation with the constitution, they endangered its adoption. Had we not, then, better go home and leave these light and trivial matters for future legislation, and not have these appendages, upon which we know nothing of the sentiment of the people?

Mr. D. then read, as a part of his speech, the proposed amendment that had been ruled out of order; it was to the effect that the members should contribute a portion of their pay, for the purpose of employing and paying the Secretary and Sergeant-at-arms at the rate of four dollars per day. He said there were one hundred and sixty-two members present, who were drawing four dollars per day, and employed in a discussion upon the question whether our door-keeper shall receive two or four dollars a day, while that very discussion was a tax of two hundred dollars an hour upon the state. The gentlemen, in their zeal for economy, strike at the pay of these petty officers, who have no interest or responsibility other than to perform their duty and receive their pay; yet it was said that the mere reduction of their pay was to accomplish wonders—relieve the state from all debt, feed the starving sufferers in Ireland, and many other like brilliant acts.

Now, he would remind them that, by dispensing with half an hour's debate upon this question, enough would be saved to pay the whole additional expense. The speeches of the gentlemen—and he would not be understood as meaning to say they were not well worth the money—would, then, if dispensed with, pay the whole expenses.

He then proposed that the members should come forward and voluntarily surrender a respective share of their own pay, and give it to the door-keeper. But in case they were to have speeches he was willing to stake their own pay on the fact whether our

actions meet the approval of the people; and was willing, if th people do not accept the work of this Convention, and return the constitution on our hands, that we take it, and not receive any other payment for our services.

This would show our sincerity in speaking so much of economy. He hoped, therefore, that they would elect these officers, and a printer, and complete the organization of the Convention, and proceed with the business. Speech-making cost $100 every thirty minutes; let us organize without further debate, and for the future economize both time and money.

Mr. HAYES moved the previous question.

Mr. CAMPBELL of Jo Daviess asked if the previous question was in order? We had adopted no rules.

The CHAIR said it was in order.

Mr. WILLIAMS rose to debate the propriety of taking the previous question.

Mr. BALLINGALL called to order; and a discussion ensued as to Mr. Williams' right to proceed.

The CHAIR decided in his favor.

Mr. W. said, that he thought, when he came here today, we were ready to proceed with the business; that we were sufficiently organized to have started other important questions. But there were important questions involved in the present one, which he thought should be discussed now and at once. They would have to be settled at some time.

Messrs. Palmer of Macoupin, Thomas, Loudon, and Logan continued the discussion on the propriety of taking the main question, a more detailed report of whose remarks we regret our inability, from want of room, to give in our present number.

Mr. HAYES then withdrew his call.

Mr. DAVIS of Bond promised, as he desired to present a few remarks, to do as others had done—to speak of everything else save the resolution before them. He did not think the Convention had the power or right to appropriate money from the treasury. The present constitution of the state, which was the supreme law of the land, gives the Legislature the power to call a Convention, and under that constitutional power this Convention had been

called.[3] He apprehended that if the Convention had the power to appropriate money in one case, they had the same power to do so in all. The constitution directs the manner in which money shall be appropriated; that constitution, and every law under it, is yet in full force. Suppose we make an appropriation and attach it to the constitution we shall frame, and that constitution is rejected by the people, what becomes of the appropriation? He understood the Legislature had power to call a Convention, and they had done so, and made provisions for its comfort and convenience by law.—The constitution says, "no money shall be appropriated out of the treasury except by law." Can we ascend higher than the constitution? If we can, I ask for the book, for the law and the precedent. I come here to effect the election of judges by the people, limiting the sessions of the Legislature to once in four years, and then for sixty days only, and for settling their per diem. I can't say we will do so, nor that the people will ratify what we really will propose to them. He asked again where was the authority for this Convention to make laws, or what act of theirs would be binding unless ratified by the people? When we formed our present constitution we were a territory, and the instances of appropriation spoken of by the gentleman from Sangamon were embodied in the constitution, and presumed an adoption thereof by the people.

Mr. PALMER of Marshall, after some preliminary remarks, said he could not think any gentleman would deny the right of the members, under the present embarrassed state of affairs, to take but two dollars a day; and that our officers, who will be fully as patriotic, will follow our example and give their services for the same amount of compensation. He hoped the members would reduce their own pay. They could not reduce the pay of their officers, of the judges and all others, and then go home to their constituents with four dollars a day in their pockets. He had brought money with him to pay his board and all other expenses, and was willing to take but the two dollars. He was old, but hoped not to be laid in his grave till all our debts had been paid.

Mr. P. followed the question at some length, but we not having room, must close our report of his speech for the present.

[3] See correction made by Davis in his speech on Monday, June 14, pp. 75-76.

The previous question was again moved, but withdrawn at the request of

Mr. SCATES, who moved to lay the whole matter on the table, to enable the committee on Rules to report; which was agreed to.

Mr. EDWARDS of Madison, from the committee for that purpose, reported a series of rules and regulations for the government of the Convention; which were read and adopted.

Mr. SERVANT moved that 300 copies of the rules just adopted be printed.

Mr. SCATES advocated a smaller number, but suggested that we had not yet chosen a printer, and therefore moved to lay the motion to print on the table. Carried—yeas 73, nays 62.

Mr. WILLIAMS, in order to give the President time to appoint the committees moved that the Convention adjourn till to-morrow, at 10 A. M. Carried—yeas 79, nays 61.

III. WEDNESDAY, JUNE 9, 1847

Prayer by Rev. Mr. BERGEN.[4]

MESSRS. HURLBUT and CHOATE, delegates to the Convention, appeared this morning, presented their credentials, and were qualified.

The Secretary then read the journal.

Mr. DEMENT moved to admit within the bar of the Convention the Governor of the State, Secretary of State, and Judges of the United States and State Courts.

Mr. CAMPBELL of Jo Daviess moved to amend by adding "and all ex-officers of the state."

Mr. KNOWLTON moved to add "and all officers and soldiers just returned from the Mexican war."

Mr. DAVIS of McLean moved to add "and all members of Congress."

Mr. WHITNEY moved to lay the resolution and amendments on the table. Carried.

[4]Rev. John G. Bergen: born November 27, 1790, at Hightstown, Middlesex County, New Jersey; of Norwegian and Scotch descent; preliminary education at academies in Cranberry and Baskin Ridge; 1807, graduated from Princeton; March, 1810—September, 1812, tutor in Princeton; December, 1812, ordained as Presbyterian minister; December, 1812—September 10, 1828, pastor at Madison, New Jersey; September 22, 1828, left for Illinois, sent by the Home Board of the American Missionary Association; November, 1828, arrived in Springfield; December, 1828—December, 1848, first regular pastor of First Presbyterian Church of Springfield; organized Second Presbyterian Church of Springfield, and a number of additional churches; December, 1848, resigned as pastor, devoting himself to writing for the press over the signature of "Old Man of the Prairies" and to missionary effort among feeble churches; several times commissioner to the general assembly of the Presbyterian church; assisted in forming first presbytery and first synod in the state; first moderator of each, and first moderator of the united synod; for many years a director of the Theological Seminary of the Northwest at Chicago; 1854, given degree of D. D. by Centre College, Danville, Kentucky; died January 17, 1872.

Bateman and Selby, *Historical Encyclopedia of Illinois; History of Sangamon County*, 2: 862, 866; Power, *History of the Early Settlers of Sangamon County*, 114-116; Inter-State Publishing Company, *History of Sangamon County*, 515-519; Chapman Brothers, *Portrait and Biographical Album of Sangamon County*, 294, 778.

Mr. SINGLETON offered a resolution stating the powers of the Convention to be limited.

Mr. ARCHER offered the following amendment:

"*Resolved*, That this Convention has assembled for the purpose of revising, altering, or amending the constitution of this state, and that the powers and duties of said Convention are limited, after its proper organization, to such objects only.

"*Resolved*, That, with a view of entering upon the discharge of the duties assigned to said Convention, we now proceed to the election of an assistant Secretary and assistant door-keeper and printer, any resolution heretofore passed to the contrary notwithstanding."

In offering the above, Mr. A. said, that he did so with a view of presenting his opinions upon the matter that had occupied the Convention for the past day or two.—In so doing he was very anxious to pay all respect to the opinions and views of those with whom he differed, and without reflecting in the least upon their motives or views. He held true economy to consist, in some measure, in the employment of the means sufficient to accomplish the end.

The act of the Legislature has provided officers for this Convention, to enable us to carry out the objects for which we have convened. He thought another Secretary and Sergeant-at-arms necessary; and if the Convention, from the want of either one of these officers, were detained a single day beyond the time they would otherwise have concluded their business, the expense attendant on that delay would be far more than the additional expense of these officers. He was of opinion that the powers of the Convention were expressed correctly in his amendment to the resolution of the gentleman from Brown.—The question of economy in the pay of the officers of the Convention, or of the members thereof, formed no subject in the canvass in the county which he (Mr. A.) had the honor, in part, to represent. He contended that the Convention had no legislative powers; that in the way of economy he would go as far as any other in retrenching the expenses of the state of Illinois. The original resolution submitted whether there should be a Convention, and the act calling the Convention contemplated no such purpose as that we were to

have legislative powers; and none other than to alter and revise the constitution. Mr. A. would go with any of them in putting down to the lowest rates, that would command talent, the salaries of all officers.

Mr. McCALLEN offered the following as an amendment to the amendment: Strike out "printer," and insert, "that the Secretary be instructed to receive sealed proposals at his desk, until 10 o'clock, A. M., to-morrow, for the printing for this Convention; and that the President proceed at that hour to open said proposals, and award the printing to the lowest responsible bidder."

Mr. SCATES moved to lay the whole subject on the table.

Mr. CONSTABLE appealed to him to withdraw his motion.

Mr. SCATES declined.

Mr. CAMPBELL of Jo Daviess hoped that it would be withdrawn, and that the vote by which the rules had been adopted would be reconsidered.

The vote was then taken on laying the subject on the table, and decided in the affirmative—yeas 72, nays 67.

Mr. DAVIS of Bond submitted some amendments to the rules; to which

Mr. LOGAN offered an amendment.

Mr. PRATT offered an amendment to the amendment.

Mr. WEAD moved to lay the resolution and amendments on the table; which was carried.

Mr. ROBBINS offered two resolutions in relation to the number and selection of the standing and select committees, and advocated their adoption.

Mr. DEMENT opposed the resolutions.

Mr. WEAD moved to lay them on the table, and print; afterwards withdrew the motion to print, and the resolutions were laid on the table.

Mr. ARMSTRONG offered a resolution in relation to additional committees to be appointed. Laid on the table.

Mr. DEMENT moved to take up the resolutions offered by Mr. SINGLETON, and the amendment; and, after debate, they were taken up.

Mr. BROCKMAN advocated the adoption of the amendment of the gentleman from Pike to the resolution of the gentleman

from Brown. He denied that the Convention had any legislative powers; nor any power save that expressly granted by the Legislature. The Legislature had defined the pay for our officers, and we had no power to change it. He was for retrenchment whenever that subject came properly before them. He hoped they would immediately elect a secretary, a sergeant-at-arms, and a printer, which officers were necessary. He advocated a full and immediate organization of the Convention, and that it should at once proceed to public business.

Mr. SINGLETON said, that he had offered the resolution in order to bring before the Convention the true question—its powers. He thought the power of a Convention was merely to propose alterations and amendments to the constitution, and that the people had the right and the power to make the changes. We had no power to change the law, but we had the power to *propose* the change, and the people to make the change.—It was true that, to some extent, the people are here in their sovereign capacity, but it was only to inquire whether they should change their law. The Legislature is just as sovereign as this Convention. This body is clearly bound by the act of the Legislature. The people are represented in that body as much, if not more, in their sovereign capacity as in this. The people never intended these matters relative to the compensation of officers should come before us. There was no power by which men are obliged to take the four dollars per day, when they think proper to take less. He believed the Convention wanted an assistant secretary and another sergeant-at-arms, and would vote for their election, and was willing to give them the pay provided by law. He had offered the resolution for the purpose of bringing the true question before the Convention. If there had been no provision in the act of the Legislature for the pay of the members, the number and salary of its officers; if these matters had not been settled for us by the Legislature, he would then be able to discover the propriety of the discussion; but as all had been done by that body, he could see no propriety in it. As to the pay of the members, he was determined to take the four dollars a day, and no less; and would not be afraid to go before his constituents and tell them he had done so.

On motion of Mr. CONSTABLE, the amendment proposed by Mr. McCALLEN was laid on the table—yeas 87, nays 56.

The question recurring on Mr. ARCHER's amendment;

Mr. LOGAN said, that he was inclined to take the vote just had as decisive of the intention of the Convention to choose the officers, and upon that subject would say no more. But the resolution offered by the gentleman from Brown presents a principle which he considered a heresy in politics, and as there were two propositions before them, he preferred the amendment of the gentleman from Pike. If the Convention were to say that it was bound to do as bid by the Legislature, it would establish a most dangerous precedent; and if they were obliged to follow the direction of the Legislature in any one case, they are bound to do so in all.—The constitution says a Convention may be called "to amend, alter, and revise"—not to *propose* amendments; alterations, and revisions. If the Legislature be right in saying the Convention has only the right to propose a constitution, they have the right to say what amendments, alterations, &c., shall be made. He considered it wrong in principle and bad as a precedent. If either of the propositions were to be passed, he preferred that of the gentleman from Pike.

Mr. SINGLETON contended that the Legislature had the power to regulate, to some extent, the manner in which the Convention should be organized, and to direct its government in all things that do not go to the proposed changes in the constitution. The present constitution gives the Legislature power to call a Convention, and the Legislature has provided for that call, and says we must come here, not with power to make changes, but to propose changes to be acted on by the people. They have no right to say to us what changes shall be made, but state in what manner they shall be made.

By the constitution, the legislative powers of the state are described to be vested in a House of Representatives and a Senate, who, together, shall constitute a General Assembly. Their powers are not limited, but they may exercise any power not expressly limited by the constitution of the state, the constitution of the United States, a law of Congress, or a treaty. Had they a right to say that the changes proposed by this Convention

should be submitted to the people? If they had no right, I want a direct vote on the matter. If they had, I am bound by what they have done.

This Convention has those necessary, natural, inherent powers of self-protection that all deliberative bodies possess; no other power but what is derived from the Legislature, save the power of self-defence.

Mr. PETERS said, that he had and would continue to vote against any and every proposition which would recognize any restriction of the powers of this Convention. We are here the sovereignty of the state. We are what the people of the state would be if they were congregated here in one mass meeting. We are what Louis XIV said he was—"We are the state." We can trample the constitution under our feet as waste paper, and no one can call us to an account save the people. A resolution had been passed by the Legislature presenting to the people the question of a Convention or not. If a majority of the people chose a Convention, then the law directed the Legislature to call that Convention, and then its functions ceased. If they had named no officers in their act, could not this Convention have selected as many as they pleased? If they had said we should have no officer but a President, could we not have gone on and elected a secretary and what officers we thought necessary? We can change any organic law of this state that we please. My proposition is that we have the power to adopt a constitution which, from the day of its passage by this body, will be the supreme organic law of this state, without any reference to the people. However, such a course as that might not be advisable.—But there are many things which I could not refer to the people, for instance, the council of revision, and that because we know the sentiments of the people on them already.

I am for economy. But I make no speeches on the subject for home consumption. I am for allowing the members of this body but two dollars a day.

Here the Convention adjourned til[l] 2, P. M.

AFTERNOON

Mr. DAVIS of Massac commenced by taking ground against the superiority of the powers of the Convention as against the enactment of the Legislature—the law-making power, established and recognized by the supreme organic law of the state yet in force. He reviewed the history of the act of the Legislature providing for a call of this Convention, and argued that it was both constitutional and proper. As to economy—though in favor of it—he scorned to consume the time of the house, so valuable, by making speeches about it. He had voted to lay the proposition—to let the printing out—on the table, because, in his opinion, they had convened there for nobler ends than debating about such trifles; they had convened to amend the organic law of the state, so that it would conduce to their prosperity and happiness. He understood the provision in the present constitution, relative to the salaries of judges, very differently from the gentleman from Sangamon.—The provision was made in the constitution that they should receive a certain salary, but the Legislature of 1819 made the appropriation whereby the pay, thus fixed and established in the constitution, could be drawn from the treasury. And it was by virtue of their act, and not of the provision in the constitution, that the money was paid out. That very same Legislature, sir, made an appropriation to pay the members of the Convention that framed the constitution; they fixed it at four dollars a day. The officers and others were also paid by the Legislature, who made the appropriation for them all. Not a man in that convention of 1818, nor out of it, ever understood that they could draw any money under the provisions of the constitution, until the Legislature had made the necessary appropriation. He regretted, and it was universally regretted, that a gentleman gifted with such powers, and from whose experience and ability so much was justly expected, whose eminent talents should lead them and aid the Convention in its important duties, should have suffered himself to be led off into a discussion of subjects so foreign to the matter before the Convention. He alluded to the gentleman from Sangamon.

The gentleman who had made the most strenuous and potent

argument against the law of this Legislature was, if he had not been greatly misinformed, in the last General Assembly, one of its foremost and ablest supporters. If that law is wrong now, it was wrong then; and why did he support it then? He (Mr. D.) took a different view of this matter than that of gentlemen who, from friends and advocates of the law, had become its denouncers.

Mr. SCATES offered an amendment—that the Convention should proceed to the election of a printer, assistant secretary, and door-keeper. He said this discussion had taken a wide range—first it was the employment of a door-keeper, then the question of retrenchment, then the powers of the Convention. He wished, however, as all had the same object—economy—in view, that they could see the means to accomplish it in the same light. There might be an economy of time as well as money. The question originally was to rescind; from which sprang the question of the powers of the Convention, and economy—questions which did not belong to the original question. While gentlemen were discussing this matter, they had made declarations and pledged themselves to carry out the principle of economy in all things that should come before the Convention. When this came about he expected to be in the first rank; none should go higher and none lower in the scale of economy than he. He advised, then, an organization of the Convention as soon as it could be affected, though he did not desire to cut off any gentleman who might wish to discuss this matter. He questioned, doubted, and denied the power of the members to bind themselves, or their officers, or officers of the government, by any simple resolution of the body; because, if not embodied in the constitution, it was not and could not be a law—therefore, it was not obligatory.

[We have no legislative powers. Resolutions appropriating money by dollars and half dollars is the administration of government which we have no power to do.

Suppose we say in our constitution that a certain amount of money shall be paid our members and officers for their services, will it be any more than an inoperative, inchoate act, until our acts shall be confirmed by the people? Let the President of this Convention issue certificates to these men and boys for their services,

will the Auditor, though he may have our resolution on his table, pay any attention to it, or refuse to pay what the law of the state directs? What an aspect would we present if these boys, receiving certificates under an appropriation made by this Convention, and the chief officer of the State obeying the behests of the law, and setting at defiance the supreme constitution-making power, refuse to pay them but in the manner directed by the act of the Legislature! What remedy? It is true you might invoke the power of the courts of justice, obtain a *mandamus* to compel him, &c.

Here we are—one hundred and sixty-two members, gravely driving half dollar bargains with messengers and boys. To attempt to undo the act of the Legislature by our resolution is impossible.—We might as well go back and overhaul all legislation had under the constitution, as this very law. The gentlemen are disposed to make the compensation of these offices so low as to take away the inducement to seek the office. He was disposed to go as far as any; but he thought that the Convention could not fix the price so low but that men will seek it. Men sometimes seek office for the honor of it. The pay of the soldiers in the army is but $10 per month—and the post is not a very desirable one at that, yet we have witnessed the scramble that has taken place to get in the army; and there has been as much anxiety to get into the ranks as to get into the offices of this Convention. He hoped the Convention would now elect these officers and complete their organization.

He regretted that so much time had been spent in demagogueism [*sic*]; in making speeches for Buncome; in making speeches, for effect upon the constituents of members and others, about economy. In introducing ridiculous resolutions for this purpose, he had witnessed the same at almost every session of the Legislature, and he asked why had they been introduced here? It had been shown that these speeches about economy of cutting down the Door-keeper's pay cost more than would pay all the officers of the Convention for their services.—It was useless to continue thus, at an expense of over six hundred dollars a day—of one hundred an hour—we should only have such discussion as would aid us in our schemes of retrenchment, as much as we pay for it.

He who first threw this gauntlet is responsible; on his head rests the extravagance who first introduced this useless matter. This is not the place to make a flourish—nor is it a place for abstractions like those on your desk. I cannot subscribe to them; they are but abstractions, why introduce and discuss them here?][5]

Mr. CAMPBELL of Jo Daviess said, that as there was some disposition to close the discussion, he would take the present opportunity of expressing his views in relation to the matter under discussion before the Convention, and he deemed that he was not doing more than he had a right to do. Those who complained so much of the great consumption of time, its cost and its waste, should remember that they had occupied their full share of the time that had been consumed in making speeches themselves. They should remember that there were many here who had never before been members of a deliberative body—he was one of them—and who were unacquainted with many things that were more familiar to others. He had come here to receive information on many points, and was in favor of a free and full discussion of every subject matter that came before them.—Others had come with written constitutions in their pockets, which, if the Convention would adopt, as no doubt the gentlemen desired it would, they might go home at once, and make great economy of time.

He thought it his privilege, though one of the humblest members of the body, to express his views upon every subject that he deemed necessary to discuss; and the exercise of that privilege, which is guarantied to every delegate, would not be influenced by the time it would consume. He should pursue that course which his conscience dictated, regardless of what it might cost, or the time it might occupy. If he did not do so, he would not be true to the trust confided in him.

He considered that every subject should be properly understood before they came to any conclusion; he was opposed to the hot haste that some were desirous to follow.

Gentlemen had made statements in this Convention, had made speeches that would be spread before the people, which

[5] The conclusion of Scates' speech, which was omitted from the tri-weekly *Illinois State Register*, has been taken from the weekly of July 11.

might lead to prejudicial results as to other delegates in that body. He was unwilling that this should be, unless along with them we spread the views of those who happened to differ with those gentlemen.

He did not believe in the omnipotence of this body. It was necessary, before we could come here, that there should be some legislation; that the Legislature should arrange those matters which should be done before we could convene. Could the people —the entire people—meet here at Springfield, the seat of government, and, without the previous action of the Legislature prescribed by the constitution, proceed to adopt the constitution?

No, sir, they could not. We meet here by the authority of a supreme power, which has given vitality to this Convention? Are not the regulations of that supreme power binding and imperative on us? Suppose a case: Let a vacancy occur in this Convention—how would it be filled? Could this Convention pass a law setting a day for the election of another to fill the vacancy? I hardly think any delegate would say it could. I apprehend it is not in our power to do any such thing. We must abide by the law which has called us here for a particular purpose. During the canvass for the members of this Convention, the tree of public sentiment has been shaken, and the fruits are now collected in this hall, and I am in favor of selecting the good and sound of them, and of engrafting them on the constitutional stock. The Convention of the state of New York sat for four months, and complained that they had not sufficient time to discharge their duties; and I suppose no gentleman will dispute that there was as much talent in that Convention as in this. Yet the Legislature that called them together had limited the time of their sitting to four months, and they, proclaiming that they had not sufficient time to perform the duties assigned them, adhered to and obeyed that law strictly, as imperative upon them. We are sitting here making an organic law for ourselves and for our children; the duty is most important, and I am opposed to hasty action.—I want to deliberate, to reflect—time to have the aid of others' experience and views to aid me. I desire all the aid and advantage to be derived from a full and free interchange of sentiment of every delegate of this Convention.

It has been said that the officers could be appointed by resolution, and such a resolution had been adopted the first day of this Convention. I have heard gentlemen of this Convention, who were members of the very Legislature that passed this law, and who voted for it, now come forward and denounce the law as inoperative, and declare we are not bound by it. They go further, and declare the Convention is above all law. Strange, strange, that gentlemen in the Legislature should vote for a law, and now get up here and denounce it, declaring that they had no power to pass it.

Mr. LOGAN. The gentleman will allow me to say that this law was passed before the Legislature had fixed the pay of its members, and when I voted for it I had no idea the Legislature would fix that pay at $4 a day.

Mr. CAMPBELL. Then I would ask the gentleman if he did not vote for the law which allowed members their present *per diem?*

Mr. LOGAN. No, sir. I asked to be excused from voting. I had motives of delicacy to induce me to do so, which I need not repeat. I did not vote at all.

Mr. CAMPBELL. Well, then, the gentleman says he did not vote against the bill, for reasons best known to himself.

Mr. LOGAN. I hardly think the gentleman desires to misrepresent me.

Mr. CAMPBELL. Certainly not, sir.

Mr. LOGAN. I did not say that I did not vote for reasons best known to myself; but I did say from feelings of courtesy towards members who came here from a distance, and who might have supposed that, from the fact of my residing at the seat of government, I might be influenced in my vote. That was the reason, sir. I would have voted against it if my vote would have had any effect.

Mr. CAMPBELL. Well, the gentleman cannot clear himself yet. He permits money to be taken out of the treasury, does not vote against the law, but quietly permits it to be passed, and now gets up here and denounces the appropriation contained therein as extravagant.—Now, he had acted wrong, put the matter in any shape. If he, (Mr. C.) considered a principle wrong, he would be derelict in his duty if he did not resist it to

the utmost of his efforts. This would have been his course if he had been in the General Assembly. Were these assistant officers necessary? If they were, why not vote for them? If they were not, vote them down. But, no; they must have a discussion upon saving a dollar or two in the wages. They must listen to this everlasting retrenchment, whose ghost he really expected to see stalking about that hall, and shaking its gory locks at those who were so continually invoking it.

We are now in debt, say gentlemen. We are all satisfied of that. How are we to get out of it? Why, say they, cut down the pay of the door-keepers, and employ a few boys as pages! A gentleman delivers a speech full of commiseration for the widows and orphans who hold our bonds, and who are suffering from famine in foreign lands, and declares that we should not have a door-keeper, because we owe them money. I am willing that that speech shall go there, and the gentleman receive full merit for his commiseration for their suffering; but I want another speech of that gentleman to go along with it. I want then to know that when an appropriation of $20,000, at the last session of the Legislature, was made for the completion of a magnificent building in Springfield, the same gentleman advocated it most strenuously, while at the same time these widows and orphans were famishing because we did not pay them our debts; and that he now is endeavoring to cut down two dollars a day from the salary of a man to wait on the delegates. Let these facts all go together, and then they can form a true idea of the sincerity of his commiseration for the *widows and orphans!* What would be said of a gentleman who was in debt, largely, to a number of widows and orphans—always a fine subject for tears—who would erect a magnificent building worth $20,000, for his own comfort and convenience, and then say to his servants, I owe a large debt to some widows and orphans who are famishing in a foreign land, and to enable me to pay them, I must cut down your pay one-half; to enable me to relieve their sufferings, I must lay a contribution on you?

Look across the way, on the other side of your street, and you will behold a magnificent edifice, with large fluted columns, and Italian marble floors, erected at a time when 'widows and orphans'

held their paper, which they could not, would not, never intended to redeem.—[Applause.] Was the gentleman's voice heard then? —Let us, let them, let these 'widows and orphans' judge of the sincerity of the commiseration by facts. The time will come, the day is not far distant, when we may read, on the massive open panels of the door of that institution, this inscription, in chalky whiteness—"*This house to let.*" Yet it is hoped by some that out of the ashes of this institution, another, phœnixlike, will arise, with more brilliant plumage on its wing, a voice more finely toned to delusion, but with a keener glance of vengeance in its eye, greater strength in its pinion, and more power to destroy in its talons, which shall out-Herod its ancient ancestor; but I trust that ere this phœnix shall begin to live, these ashes to feel vitality, the fiat of this Convention will scatter them to the four winds of heaven.

The sins of omission are not so bad in the sight of the people as those of commission. He would prefer, then, to stay within our proper undoubted bounds, rather than to venture on doubtful questions.

Where is the restraint upon our powers? If we can appropriate one dollar, we can ten. So far as altering, amending, or abrogating the old constitution is concerned, we are (Mr. C. said) sovereign. But when we go beyond that duty, the constitution is as binding upon us as ever. That constitution says no money shall be appropriated except by law. Who can make the law? Can this Convention? If the Legislature had not appropriated the money we could not receive one cent; nor can we say that any member of this body shall draw less than four dollars a day, as provided by the law of the Legislature.

He had been an attentive observer of the proceedings of the Legislature of late. I have watched the progress of their economy. I have seen them, when a bill for the reduction of their own pay was before their body, voting for its passage, and, when it was on its way to the Senate, trembling, like Balthazar of old, with their knees shaking one against the other, with very fear that the Senate would pass their own bill. I have seen them running to and fro, electioneering with Senators to defeat the measure they dared not vote against.

Mr. LOGAN. I hope the gentleman does not allude to me as one of them.

Mr. C. No, sir, no. The gentlemen have a great desire to have a starting point in their economy, and I have always noticed that they make small officers like door-keepers the starting point. When the magnificent building was proposed to be finished in Springfield, they found that that would not do for a starting point—"you must commence with the door-keepers." This, sir, is saving up pennies with one hand and scattering dollars with the other, while "*widows and orphans*" are famishing in foreign lands. He had heard a member in the Legislature declare that, during the whole session, he had not voted for an appropriation of a single dollar; yet that same man quietly pocketed the four dollars a day for his services.

The gentleman from Sangamon had read an extract from the constitution of Vermont, which stated that the salaries of officers should not be so high as to induce persons to seek them. That same gentleman, however, when the proposition was to raise the salaries of the judges, voted for it. Did he do this because there were no applicants for the office? No applicants in Illinois for judgeships! As regards the salaries of the judges, he was in favor of making them sufficiently large to command talent. Would any lawyer, he asked, who had by his talent and ability raised himself into standing and reputation, and whose practice allowed him to make $1,500 a year, accept a judgeship at one thousand?—Certainly not, particularly if he had a family to support and children to educate.

He would always be in favor of fair and reasonable salaries to all officers. While we should not be prodigal on one hand, we should not fix the pay so low that it would not command talent. If low, men would seek it; if high, men would seek it; but if the pay were reasonable, men of talent would present themselves, would come into competition, and the people would elect them. He fully concurred with the opinion that this Convention could not compel a single delegate to forego one cent of the four dollars a day allowed by the Legislature. He was willing to contribute his share towards paying these officers, if the Convention would not elect them, but not one cent upon compulsion.

Let the members obtain the certificate from the President, and go to the Auditor with them, and, though he has the resolution of this body on his table, he will not refuse to pay them what the law allows. If he does, get out a *mandamus* to compel him. He admitted that if the law of the Legislature in any way directed this Convention as to what charges should be made, so far it would be inoperative—would not be binding. Was it the intention of any delegate to adopt a constitution as the organic law of the state without submitting it to the people? He was certain there was not, and therefore could see no propriety in discussing the point.

The resolution of the gentleman from Pike states the object of this Convention to be to alter, amend, and revise the constitution. I admit that for this purpose and object, the power of the Convention is omnipotent, but no farther.

In conclusion, he hoped that after every gentleman had expressed his opinion who desired to do so, we would proceed to the organization of the Convention.—He was not for hot haste in any thing. The time taken up in discussing preliminary matters was not altogether lost; nor had there been more of it here than in other Conventions.

Mr. WOODSON thanked the gentleman from Jo Daviess for the very liberal views he had expressed. He agreed with him that there was no necessity for haste. The matters that had been discussed would, at some future time, have been presented to us; and he considered it as well that they should be fully discussed and settled now. They had taken a wide range. He regretted that one gentleman from Fulton, who had participated much in the discussion, had thought necessary to move, to-day, upon every question that was presented, to lay on the table; thereby cutting off all opportunities for debate. Gentlemen had complained about the consumption of time. One of them, from Lee, had entered into a calculation upon the subject; and if we apply his calculation to his own speeches, it would appear that he had already cost the state $2,000. The only speeches that had been made on their side were those by the gentleman from Peoria and Sangamon. The Convention had voted down the proposition to have the printing let out to the lowest bidder, and that without

debate. The gentleman from Fulton had expressed his determination to cut of[f] all debate, by moving to lay every proposition on the table, until the Convention had organized.

Mr. WEAD explained that such was not his object.

Mr. WOODSON resumed. He considered that the Convention had sovereign power. Gentleman may speak of demagogueism, but he, when a principle was involved of such importance as that advocated by his friend from Sangamon, was of opinion that it was immaterial what the cost was, if the discussion would enable them to arrive at the true principles on which they should act. He had no idea that what he would say would have much effect upon the Convention; he spoke with great mistrust of his own power and abilities. He denied that this Convention was a creature of the Legislature—that it had called the Convention into being. They had been called there by a preliminary act of a former Legislature, on which the people had passed.—He contended for the right of the Convention to say whether the constitution they might adopt should be submitted to the people or not.

Mr. W. pursued the subject at some length, and we regret that from the want of space we cannot give the whole of the report of his speech furnished us.[6]

Mr. WHITNEY advocated, briefly, the immediate organization of the Convention by the election of the remaining officers.

Mr. KNOWLTON had been astonished and amused at the course which had been pursued by some gentlemen during this discussion. While he admitted that there was such a thing as economy of time, he would remind gentlemen that even the world was not made in a day. He knew a man where he came from who had a constitution already written out, which, if he had thought of bringing [it] with him, might have been adopted, and they could now have been on their way home. He spoke at much length upon the importance of small matters when a great principle was concerned, and urged the necessity of always meeting them with an ample discussion. He would tell the gentleman from Jo Daviess that if the ghost of murdered Retrenchment came

[6] A longer account of Woodson's speech may be found in the *Sangamo Journal*, June 17.

into that hall, the gentleman from Jo Daviess would never be troubled by him. He would never be called upon to explain, with Macbeth, 'Avaunt! shake not thy gory locks at me, I did it not;' because no one would think of accusing that gentleman of anything connected with retrenchment. Mr. K. continued the subject much further, alluding particularly to the desire of his constituents to have the enormous allowances made for printing reduced.

Mr. Archer replied briefly to Mr. K. and urged the views presented by him when he offered his amendment.

Mr. GREEN of Tazewell said that he had come here under the expectation of meeting civilized men in Convention; men that had been, at least, decently educated. But, no; those whom he had heard had given way to the use of that weapon called sarcasm. Gentlemen had forgotten that courtesy which should teach them to speak to and of each other more respectfully. This he said had been the impression made on him. He said that if he had come into the hall while one of them was speaking, he would most certainly have thought that a certain young man had fancied himself a David; that on the other side of the room had sprung up a Goliath; and this young man was prepared with his small pebble and sling to kill the monarch of the Philistines.

He had heard the law expounded by judges, doctors, and readers of the law, and had heard as many opinions of what the law was as he had persons discuss it.--What was to be done? When doctors disagree who shall decide? Mr. G. denied the power of the Legislature to control or limit the powers of this Convention. He hoped to hear no more about omnipotencey [*sic*]. There was no omnipotence among frail men—even if there were one hundred and sixty-two of them.

Mr. LOGAN said it was not his wont to discuss questions after he had ascertained that such discussion was to have no effect. But he desired to say a few words in reply to what had been said concerning himself. Gentlemen had cast out insinuations upon the motives which had governed the actions and speeches of others; they might do so, for they had no effect upon him; he passed them by as the idle wind, which he regarded not. It had, also, been said that speeches had been made for Buncombe, &c.;

but he could assure gentlemen that he had as little use for such matters as any others.

He had stated, when he first spoke, that the door-keeper and secretary were the trifling matters, and should not have contended on that point if it had stood alone. The gentleman from Clinton had offered this resolution, and he should have been the object of the gentlemen's wrath. They had, however, permitted his friend to escape, and had poured out all their vials of wrath on his (Mr. L.'s) head. When he saw the vote this morning, he considered and was satisfied that the matter was decided; but the gentlemen had continued their attacks upon him.

He had no desire to turn upon these gentlemen with angry feelings, for the truth was that there was no truth in anything that had been said of him, except what the gentleman from Jo Daviess had said. He cared nothing for the falsehoods; but when there was truth in the attack, he was disposed to admit its effect.

He had not the least idea that the Legislature would raise the pay of the members above $3, and when they said $3.50, and sent it to the Senate, he was astonished. The Senate increased it to four dollars, and it came back to the House. He was disposed to vote against it, but in consequence of the motives of delicacy and courtesy mentioned before, and because he had just succeeded in getting through an appropriation of twenty thousand dollars, for the purpose of clearing away the dirt and rubbage scattered around this square, he interposed no objection to the per diem fixed. He felt he had done wrong, and he now candidly admitted that he was wrong in not voting against that which he considered wrong in principle. The law allowed some of the judges $1,500 and others $1,000, and to make them all alike, and as they were to remain in office but a short time, he had voted to pay them all alike.

He still urged that the Convention should exercise the strictest economy. The state was insolvent. He had, in consequence of endorsing for a friend, become insolvent himself. He had practiced retrenchment in all of his expenses of living until he had paid every cent he owed. The state should do the same. He was willing to jeopard his popularity, and would go as far as any man in so doing, by making the people pay her debt.

Mr. ARCHER'S amendment was then adopted.

The question was taken on the final adoption of the first resolution, and it was carried—yeas 87, nays 64. The second was also adopted.

The Convention then proceeded to the election of an assistant secretary; when, H. G. REYNOLDS received 84 votes; J. M. BURT, 60; J. S. ROBERTS, 5; and Mr. REYNOLDS was declared elected.

The Convention divided on the nomination of Mr. R. WOODRUFF, as assistant door-keeper; when he received 86 votes, and was elected.

The Convention then divided on the election of a printer, and MESSRS. LANPHIER & WALKER received 88 votes, and were elected.

On motion, 200 hundred [*sic*] copies of the rules were ordered to be printed. And then the Convention adjourned until 9 o'clock, to-morrow.

IV. THURSDAY, JUNE 10, 1847

Prayer by Rev. Mr. DRESSER.[7]

Mr. MINSHALL presented a resolution setting forth proposed amendments to the present judicial system of the state; which was,

On motion of Mr. MANLY, laid on the table.

Mr. DUNSMORE presented a resolution. Adopted.

Mr. WOODSON presented a resolution that the Convention should meet at 8, A. M., and adjourn at 12, M., and meet again at 3, and adjourn at 6, P. M., each day.

Mr. CAMPBELL of Jo Daviess thought that sessions of six hours each day were enough in this crowded hall, and this season of the year. He was in favor of meeting in the forenoon, and allowing the afternoon for the committees.

Mr. SINGLETON thought it would be more conducive to the health of the members that they should be in the hall during the heat of the day.

Mr. SCATES was in favor of short sessions each day, and that the committees should have sufficient time to perform their work. He would vote to meet at nine, and leave the Convention to regulate its time of adjournment.

Mr. SHUMWAY opposed the resolution.

Mr. ROBBINS was in favor of the proposed hour of meeting, but opposed to the fixed hours of adjournment, as such would

[7] Rev. Charles Dresser: born February 24, 1800, at Pomfret, Connecticut; 1823, graduated from Brown University; went to Virginia and studied theology with Dr. Meade (afterward Bishop Meade); 1829, ordained as minister of the Protestant Episcopal church; April, 1838, arrived at Springfield, Illinois; 1838–1852 (1855?), rector of St. Paul's Episcopal Church of Springfield; November 4, 1842, performed marriage ceremony for Abraham Lincoln and Mary Todd; 1855, elected Professor of Divinity and Belles Lettres in Jubilee College and remained in that position some time; 1858, given degree of D. D. by St. Paul's College, Missouri; returned to Springfield, where he died March 25, 1865.

Bateman and Selby, *Historical Encyclopedia of Illinois*, 137; Bateman and Selby, *Historical Encyclopedia of Illinois; History of Sangamon County*, 2: 889; Power, *History of the Early Settlers of Sangamon County*, 268, 269; Inter-State Publishing Company, *History of Sangamon County*, 659.

lead to much inconvenience to the Convention. He offered to meet at 8 A. M.

Mr. PALMER moved to lay the resolution and amendment on the table. Carried.

Mr. CONSTABLE offered a resolution providing that the Convention should meet each day at 8, A. M., and 3, P. M.

Mr. ROBBINS moved to strike out "3, P. M." Lost.

The resolution was then adopted.

Mr. EDWARDS of Madison offered a resolution increasing the number of committees. Adopted.

Mr. HAYES offered a resolution providing for a submission to the people of every amendment to the constitution, separately.

Mr. DEMENT moved to refer the resolution to the committee on the Revision and Adjustment of the Constitution.

Mr. CONSTABLE moved to lay the motion of reference on the table; which was, carried. The resolution was then laid on the table.

Mr. ADAMS offered a resolution calling on the Secretary of State for certain information relative to literary matters and the state of the school fund. Adopted.

Mr. PETERS offered a resolution to amend the rules by adding that there shall be [a] "committee on Townships." Laid on the table.

Mr. HARVEY offered a resolution to increase the number of committees by adding a "committee on the State Debt." Laid on the table.

A resolution was offered, and adopted, providing for a "committee on Legislative Business."

Mr. DAVIS of Massac offered a resolution that a quorum of this Convention, to do business, shall consist of two-thirds of the delegates elected, (108 members to constitute a quorum.) Adopted.

Mr. Z. CASEY moved that 200 copies of the constitution of the state be printed for the use of the Convention. Adopted.

Mr. WOODSON presented a preamble and resolution setting forth various proposed alterations in the state government. Laid on the table.

Mr. SCATES offered a resolution requiring information from

the revenue clerks of the different counties; which, after some debate, and various proposed amendments had been voted down, was laid on the table.

Mr. ARCHER presented a preamble and resolution relating to several proposed amendments to the constitution, and moved their reference to a committee.

Mr. CONSTABLE moved to lay the motion to refer and the resolution on the table. Carried.

Mr. SCATES presented a resolution that a select committee should be appointed to apportion the business among the several standing committees.

Mr. KNOWLTON moved to lay the resolution on the table. Which was carried.

Mr. WHITNEY moved to adjourn till to-morrow, at 9, A. M., to enable the President to appoint the standing committees.

Mr. BALLINGALL inquired of the Chair if that time would be sufficient.

The CHAIR replied that he did not think he could appoint them before Monday next.

Mr. WHITNEY then withdrew the motion to adjourn.

Mr. McCALLEN offered a resolution providing that the standing committees should be chosen proportionately from the congressional districts.

Messrs. WHITNEY and ADAMS opposed the resolution; and, on motion, it was laid on the table.

Mr. DAVIS of Bond offered a resolution in relation to the judiciary. Laid on the table.

Mr. PALMER of Macoupin offered a resolution on the same subject. Laid on the table.

Mr. EVEY offered a resolution regulating the powers of the General Assembly, the pay of its members, &c.—Laid on the table.

The Convention then adjourned till to-morrow, 9 A. M.

V. FRIDAY, JUNE 11, 1847

Prayer by Rev. Mr. HALE.[8]

The PRESIDENT laid before the Convention a petition, received by him through the post office, praying certain reforms in the judiciary department of the state government; which was read, in part, and laid on the table.

Mr. NORTHCOTT presented a resolution proposing to give the Legislature power to levy a poll-tax, to be appropriated to certain purposes. Laid on the table.

Mr. ROUNTREE presented a resolution establishing a court of record, and abolishing certain other offices. Laid on the table.

Mr. JENKINS offered a resolution providing for the election of state and county officers, their salaries, members of the Legislature, and their per diem. Laid on the table.

Mr. SCATES presented a resolution limiting the power, salaries, and term of office of the Executive, members of the Legislature, public printer, and other officers, and moved its reference to a committee of the whole Convention. He had embodied in it a series of questions which would occupy the time of the Convention hereafter, and he proposed that we should now go into committee where we might at once enter into a discussion of all the various subjects; and that the several committees might thereby be aided

[8] Rev. Albert Hale: born November 29, 1799, at Glastonbury, Connecticut; 1813-1821, clerk in country store at Wethersfield; 1827, graduated from Yale; agent of American Tract Society in South Carolina, Florida, and Georgia; returned to Yale and completed theological course; 1830, ordained to the ministry; preached for a few months near Boston, making his home with Rev. Lyman Beecher; November 11, 1831, arrived at Shawneetown, Illinois; 1832–1839, made his home in Bond County, doing missionary work there and traveling over the state as evangelist; exercised a powerful influence over the Indians in Chicago; 1839-1866, pastor of Second Presbyterian Church of Springfield; devoted remainder of life to missionary work "among the extremely poor and the pariahs of society;" died in Springfield, January 30, 1891.

Bateman and Selby, *Historical Encyclopedia of Illinois*, 215; Bateman and Selby, *Historical Encyclopedia of Illinois; History of Sangamon County*, 2: 862; Power, *History of the Early Settlers of Sangamon County*, 348; Inter-State Publishing Company, *History of Sangamon County*, 605, 671.

in arriving at the views of the Convention upon each subject. As there were no standing committees to which these resolutions could be referred, he hoped they would adopt his suggestion, and refer them all to a committee of the whole.

Mr. ECCLES agreed with the gentleman from Jefferson, and supported his proposition.

Mr. JENKINS opposed it, as the debate on these questions would have to be all gone over again when the subject came properly before the Convention. He moved to lay the resolution on the table. Carried.

Mr. ROBBINS presented a resolution, that the delegates from each congressional district should meet to-day, at 2, P. M., and appoint from their number a select committee of two from each district, to aid the Chair in appointing standing committees of the Convention; and supported his proposition with some remarks.

Mr. CAMPBELL of Jo Daviess moved to lay the motion on the table; which was carried.

Mr. SHIELDS offered a resolution, changing the time of holding state elections from August to November.—Laid on the table.

Mr. ARCHER offered three resolutions—1, that the secretary should be authorized to procure such well-bound books as were necessary for the keeping of the proceedings of this Convention; 2, that he should be authorized, when necessary, to employ a copyist; the purport of the third the reporter could not catch. On motion, the two last were laid on the table.

Mr. Palmer of Macoupin moved to amend the first, by authorizing the employment of an additional secretary to do the copying.

The resolution and amendment were then withdrawn.

Mr. THOMAS renewed the resolution.

Mr. LOUDON denied the necessity of the resolution.

Mr. SINGLETON moved to amend the resolution by adding that a committee shall be appointed to inquire into the propriety and cost of employing a person to report the proceedings of the Convention for the state.

Mr. THOMAS hoped the amendment would be withdrawn, as it had no connection with the subject matter of the first.

Mr. SINGLETON thought the subject was an important one, and that something of the kind should be adopted; but for the present withdrew his amendment.

Mr. KITCHELL moved to amend, by striking out all after the word "resolved," and insert "that the Secretary of State be requested to furnish the necessary books, and that the Convention proceed to the election of an assistant secretary, whose duty it would be to do the copying."

Mr. WHITNEY moved to lay the subject on the table.

The question was taken on laying the amendment on the table, and decided in the affirmative—ayes 87, noes not counted.

The motion to lay the orig[i]nal on the table was then withdrawn.

Mr. KINNEY of St. Clair moved to amend by providing that the additional secretary perform the duty of copying the journal.

Mr. ARCHER stated that he had not withdrawn his resolution because it conflicted with the resolution adopted yesterday. He thought very differently. He also considered that the Convention had an implied right over its officers, and power to direct their duties.

Mr. KINNEY of St. Clair gave his reasons for offering the amendment. He questioned the power of the Convention to appoint officers other than by the name stated in the law of the legislature; at least, that such officer[s] could be paid without an appropriation by the legislature.

Mr. SCATES said, that the Convention had a right to employ any officers necessary for the transaction of business, but they would have to wait for their pay until the legislature should make an appropria'tion for the purpose. He opposed action in the matter at the present time, because there was not sufficient copying yet to be done to afford a man sufficient employment. He hoped they would postpone the matter. He moved to lay the matter on the table. Carried.

Mr. CAMPBELL of McDonough offered a resolution providing that no negro, Indian, mulatto, or other person of mixed blood, or one-eighth blood, should attain, have, or use the rights of citizenship under the constitution this Convention should adopt.

Mr. THOMAS moved to postpone the resolution till the first of December next. Carried.

Mr. BROCKMAN offered a resolution that no new county shall be hereafter organized by the legislature, unless it shall contain an area of 400 square miles.

Mr. WORCESTER offered a resolution providing for the election of state and county superintendents of common schools, &c.

Mr. SHUMWAY moved to amend, by prohibiting the legislature from borrowing at any time any of the college or seminary funds.

On motion of Mr. PETERS, the resolution and amendment were laid on the table.

Mr. BOSBYSHELL offered, as an additional rule, that no member, when addressing the Convention, shall speak over one hour. Laid on the table.

Mr. KNAPP offered a resolution proposing, as a part of the new constitution, that no county shall be entitled to more than two members, &c.[9] Laid on the table.

Mr. GEDDES offered a resolution providing that all elections hereafter shall be by ballot; to which was offered an amendment, that no one should vote at such elections except free white male citizens and such unnaturalized foreigners as had heretofore exercised the privilege. Laid on the table.

Mr. WEAD offered a resolution calling for information from the Auditor about the public debt, the means present and prospective of paying the same, &c.

Mr. DAVIS of Bond, believing no such information could be obtained, moved to lay it on the table, but withdrew the motion.

Mr. WEAD said, his desire in presenting the resolution was to obtain all the information possible, with a view of putting in the new constitution some provision to liquidate the debt. He

[9] At the close of the debates for Friday, June 18, the *Illinois State Register* of June 19, published the following correction by Knapp:

"Mr. EDITOR: Will you be kind enough to publish this communication in your next paper, by way of correcting some errors, which have been made doubtless by your reporter unintentionally. In a previous number you report 'Mr. Knapp' as offering a resolution that 'no county shall have more than two representatives nor less than one.' That was offered by Mr. BOSBYSHELL."

said that, even if all the Auditor knew of the matter had been reported, they could get that much information at least. The Auditor could tell them what property the state had, what means she had of paying the debt, and when the debt was payable. If it should turn out, (and this information would be of some assistance to them in coming at some conclusion,) that a low tax would pay the annual interest and finally the debt, they could decide on the measure.

The state was laboring under the stain of not having provided for the payment of the interest on her debt, and his constituents felt more interest in that than in any other matter.

Mr. LOGAN was in favor of the resolution, but he suggested that part of it was misdirected. It would be as well, indeed more proper, to address the first part of the resolution to the Fund Commissioner. The amendment suggested was accepted.

Mr. Z. CASEY suggested that they could perhaps obtain more information by directing the inquiry to the Governor, who had returned from the east, where he had gone in relation to some matters connected with the state debt. He no doubt possessed the information.

Mr. LOGAN said, that he had spoken under the impression that the Governor had not returned.

Mr. WEAD accepted the suggestion as an amendment.

Mr. SHUMWAY moved to add, that he be requested to inform them of the result of his negotiation; which amendment was accepted.

Mr. PALMER of Macoupin suggested that it would be proper to amend by asking the information so far as the Governor might deem did not conflict with the public interest.

Mr. WHITESIDE said, neither the Fund Commissioner or the Auditor could furnish the information called for by the resolution. Those officers had been called upon before, and there were no materials in their possession upon which they could report. He suggested some other officer.

Mr. Z. CASEY said, the Governor, if required to furnish the information, could call upon all the different officers to furnish him with what each particular branch of the government had charge of. He hoped the resolution would pass.

Mr. DEMENT hoped the resolution would pass; and by calling upon the Governor for the information he possessed, we could receive all that was possessed by the various officers under his control.

The resolution was then adopted.

Mr. GRIMSHAW offered a resolution calling upon the various county clerks for information in regard to the revenue of their respective counties, &c. Carried—yeas 78, nays 22.

Mr. WOODSON offered, as an additional rule, that no standing rule of the Convention should be rescinded or suspended, except by a vote of two-thirds. Lost—ayes 39, noes not counted.

Mr. SCATES moved that the rules adopted by the Convention some days ago be referred to a committee of the whole, for the purpose of amending or altering them.

Mr. THOMAS asked if the rules had been adopted by the Convention for their government; and, if so, had the vote by which they were adopted been reconsidered?

The CHAIR replied that the rules had been adopted; that the vote adopting them had not been reconsidered; and that he did not think it in order to refer the rules, as moved by the gentleman from Jefferson.

Mr. DEMENT inquired if any delegate were to propose an amendment to the rules, whether it would not be in order to refer that amendment to the committee of the whole; and, being answered in the affirmative, said he hoped they would follow the suggestion.

Mr. Z. CASEY said, he thought there was no necessity for the Convention to go into committee of the whole to amend the rules. They were the rules of the Convention, adopted by the Convention, and governed by the Convention could do with them as they pleased.—They had adopted them, and, at any time, could alter or repeal them. If you refer the rules to the committee, they govern there as well as in Convention, and you could do no more there with them than here. He thought it better and easier for the Convention to amend the rules than by referring them.

Mr. WOODSON agreed with the gentleman from Jefferson last up. He was satisfied that gentleman was right. The

Convention could, by a bare majority, amend the rules, and there was but little to be done in amending them.

Mr. DEMENT said, that he was not anxious to get the matter into committee of the whole, but as the gentleman from Jefferson had expressed a desire to that effect, he had only made a suggestion as to the proper means of arriving at his object. He had voted against the resolution requiring a two-third vote to amend the rules, because he knew the rules had been adopted without discussion, and that, perhaps, some members desired to have them altered. He was satisfied with them, and, when they had again been voted on, would be in favor of the two-third rule.

Mr. DAVIS of Bond had been informed that the rules had been adopted by the Convention; there was no necessity of a further discussion of them. If it was desired to amend, let the proposition be made and voted on.

Mr. SCATES had no other desire in moving to go into committee of the whole than that of economizing time. He had no intention to propose any amendment, nor was he in favor of changing any of them, except, perhaps, the number required by the 6th rule to demand the yeas and nays. He might vote to reduce it from ten to a smaller number.

Mr. PALMER of Macoupin said, that as gentlemen had expressed themselves satisfied with the rules, he would move to reconsider the vote by which the two-third rule had been rejected. He had voted against it because gentlemen desired to discuss and amend the rules; there being none such now appearing, he was for having stability in them. He made the motion to reconsider.

Mr. LOGAN thought it too soon to adopt the two-third rule in regard to amending the rules. He hoped the members would allow the rules to stand a little while longer, until they should have time to try them and see how they answered. He knew little or nothing about rules—he was no connoisseur in them; he wished to try what they had adopted; and if they found anything wanted amendment, they could adopt it.

Mr. PALMER withdrew his motion to reconsider.

Mr. MARKLEY moved to strike out "ten," in the 6th rule, and insert "four."

Mr. LOGAN said, this thing of calling the yeas and nays

occupied great time, and he was sure there could arise no questions where it was in the least important to have them, but ten members could be found who would second the demand. He could not conceive a case where this would occur. There was no charm in the numbers ten or four, and he thought ten was small enough.

Mr. EDWARDS of Madison opposed the change because, from experience, he knew the time uselessly occupied and wasted in calling the yeas and nays.

The CHAIR suggested that it was necessary to reconsider the vote by which the rule had been adopted, as it was not in order to amend what had been passed.

Mr. MINSHALL moved to reconsider the vote by which the rules had been adopted, and asked the unanimous consent that it be passed now, and not lay [*sic*] over for three days.

Mr. PRATT thought the proper way to bring the rules before them was to suspend the 17th rule, which required three days' notice of every motion to reconsider.

Mr. LOGAN hoped they would be taken up by unanimous consent; they had nothing else to do, and they might as well dispose of that matter.

Mr. SHUMWAY thought still, that, even by unanimous consent, they could not be taken up on a motion to reconsider; and he moved to suspend the 17th rule, to enable them to do so.

Mr. PRATT agreed with the gentleman last up, and pressed the matter on the attention of the Convention.

Mr. SHERMAN proposed the reading of the rules one at a time, and that all propositions to amend should be made then.

The CHAIR ruled that they could take a vote on the motion to reconsider by unanimous consent.

Mr. WILLIAMS was willing to take the vote now, as he hoped they would get to the discussion of the great questions they had been sent here to settle. It would be time enough to amend the rules when we had discovered that we had been too hasty in adopting them.—If the majority thought proper to change the number in the 6th rule, and put it in the power of a few to demand the yeas and nays, they could at any time do so, and he would not now object to a vote on the matter; but he was not in

favor of lessening the number; on the contrary, he would prefer that it was greater.

Mr. BUTLER moved the previous question.

The CHAIR said that, upon reflection, he thought the motion to suspend the 17th rule was the proper one.

Mr. POWERS advocated the suspension.

The question was taken on suspending the 17th rule, and agreed to.

Mr. DEMENT called for the reading of the rules.

Mr. Z. CASEY proposed that they should read the rules one after another, commencing at the first and continuing on till done with them; and that members, having amendments, should offer them at the reading of the rule they desired to amend. He said that, as an excuse to the Convention for having interfered in this matter so much, he would state that he was a member of the committee that had reported these rules, and he was somewhat surprised that this Convention adopted them so hastily. It was an unusual thing, and he had considered it somewhat of a compliment to the committee, who had drawn them up in a great hurry.

Mr. PALMER of Stark said that it was, in his opinion, premature to revise the rules of the Convention at this time. He was willing to retain them as they were until it appeared that there was something in them which impeded the progress of the Convention in the transaction of its business.

Mr. THOMAS said, he hoped the vote would be taken whether the Convention was satisfied with the rules, as they stood at present, or not. As to the number which should be in the 6th rule to demand the yeas and nays, he was in favor of 20 instead of 10. It reminded him of an anecdote which he had heard in the Legislature when it sat in Vandalia. The House of Representatives gave one of its members leave of absence till the first of March, because he called the yeas and nays so often.

Mr. BALLINGALL was in favor of an amendment to the 10th rule; he was in favor of striking from that rule the exclusion of the yeas and nays from the proceedings of the committee of the whole. In committee, the most important questions would be decided, and put in the constitution they would adopt, and yet their constituents could not tell how they had voted.

Mr. EDWARDS of Sangamon offered two additional rules; which were adopted.

Mr. DAVIS of Bond called for the reading of the rules.

The PRESIDENT then read the rules one after the other, pausing between each for propositions to amend. At the 12th rule,

Mr. McCALLEN moved to substitute for the rule as it now stands, the following: "All standing committees shall be appointed by the President, to be chosen alternately, two members from each congressional district; and that such committees shall, by ballot, select their own chairmen." The amendment was lost.

Mr. ROBBINS moved to amend the 16th rule, by adding thereto—"and each member, while speaking, shall confine himself to the subject matter before the Convention."

The House was dividing on the amendment, when the yeas and nays were demanded, and ordered.

Mr. EDWARDS of Madison said, the amendment was entirely unnecessary. It was the duty of the President to confine the members to the question before the Convention.

Pending the call of the yeas and nays, the Convention adjourned till 3, P. M.

AFTERNOON

Mr. ROBBINS withdrew his call of the yeas and nays.

Mr. PRATT renewed the call.

Mr. HAY moved to amend the amendment, by limiting all speeches to thirty minutes. The amendment to the amendment was laid on the table—yeas 80.

The amendment was then laid on the table—ayes 85, noes not counted.

Mr. MARKLEY moved to amend the 17th rule, by striking out all after the word "Convention," in the 3d line. Lost.

Mr. PALMER moved to strike out all from the word "except" to the word "twice," inclusive, in the 18th rule. Lost.

A rule, that the rules of the Convention might be suspended or amended in part, or in whole, by a vote of two-thirds, was offered by some member (name not known to the reporter) and adopted; also, a rule that a motion to adjourn, the previous

question, to lay on the table, to refer, to postpone, and to postpone indefinitely, should always be in order, to be decided without debate, and should have precedence in the order named, was adopted; and then the rules were concluded.

Mr. WILLIAMS hoped that the resolutions offered yesterday by the gentleman from Green (Mr. Woodson) would be taken up, by the Convention, from the table, and that we would now proceed to the discussion of the principles contained in them. By so doing, we would be approaching nearer a decision of something. Without this, there would be nothing for us to do.

The motion was carried, and the following resolutions were taken up:

Resolved, That the government of the state of Illinois shall consist of three co-ordinate departments, each independent of the other; and that the powers of the government should be so divided and so distributed among these departments that neither of them could, without the consent and co-operation of at least one of the others, injuriously affect either of the great rights of personal liberty and private property.

Resolved, That the necessary distribution of power for this purpose is into legislative, judicial, and executive departments: the first is to prescribe general rules for the government of society; the second, to expound and apply these rules to individuals in society; the third, to enforce obedience to the judgment and decrees of the second, and see that the laws are faithfully executed.

The propriety of arguing and discussing these resolutions, at the present time, was urged by Messrs. WILLIAMS, LOGAN, SERVANT, DAVIS of Bond, BROCKMAN, and MINSHALL, and opposed by Mr. PALMER of Stark.

[Mr. WILLIAMS said, that it would be perceived that if we now proceed to the discussion of these resolutions, and interchange our sentiments and views upon them, and come to a decision on the subjects contained in them, that we will decide the three great questions—the executive, judicial and legislative departments—to be decided; and that after that we would have but little more than a bill of rights.

It is important that the Convention should commence the dis-

cussion. If we took but a single question at a time, and every member who desires to do so would express his views and propose his amendments, we would soon get through; and in this way we will have done the most of what we came here to perform. I move, then, that we take them up—these two first resolutions and discuss them coolly and calmly, and then proceed to the discussion and decision of the others.

Mr. SERVANT said, that if the Convention was disposed to economize both time and money, he would suggest to the gentleman from Adams, to permit these resolutions to be laid on the table, to have them printed in bill form, so that members would be enabled to understand and see these resolutions before them and in such a way that they might examine and weigh the matters contained in them. He thought that some of the propositions contained in these resolutions could not be better nor more in accordance with his views; and to others, also contained in them, he was opposed.

He was in favor of taking up all the great questions one at a time. For instance, in the first place, we might discuss the proper number of senators and representatives to constitute our General Assembly, the length of time they should sit, whether annual or biennial sessions, the per diem to be allowed them, &c. After we had fully discussed this branch of the government, we might proceed to the Executive department; take up the Governor and the Lieutenant Governor, discuss the proper time for them to hold office, their salaries, powers, &c. Then we might pass to the Judiciary, settle the number of judges, the length of their terms of service, if elective, their salaries—both supreme and circuit courts, and all matters connected with them.

It would be idle for any committee of this Convention to disregard the expressed views of the members. If gentlemen would not speak of the time consumed in debate but had proceeded to the organization and pursued the legitimate business of the Convention; if they who spoke most of the economy of time, had not themselves consumed, some of them, five, four, three and two hundred dollars worth of time, much might have been done. It was not too late yet to retrace their steps. Let them then go to work, perform the business they were sent here to transact, and

then they would not be afraid to go home to their constituents, who would receive them with approval of "well done, good and faithful servants." Let us do this; let us take up and discuss these great questions, and after we shall have expressed our opinions upon them, nothing will be required but a committee of revision to prepare them in detail, and then go home.

Mr. PALMER, of Stark, said that he held in his hand the act of the Legislature which called them together to revise, alter and amend the constitution of the State. We had met under that call. He also held in his hand the present constitution of the State. He supposed the proposition to amend would begin with the first article of that constitution, and that, pursuing a similar plan as that followed in relation to the rules, we would go down, article after article, section, after section, until we had gone through with it, amending it as we went along in every place that we thought it needed amendments. This, it seemed to him, would be the proper course; to follow the other would be to act as if there was no constitution of the State now in force nor in existence. He hoped they would take it up article by article, and amend it so far as they thought it required to be done. Then, after having gone through with it and made all the amendments necessary, let members propose new articles, to be added to the constitution, and we could adopt such as we thought proper and conducive to the general welfare and prosperity. He appealed to his friends and fellow-citizens of the Convention to adopt this course. These resolutions were nothing but the expression of individual opinions, to have them printed would cost the State a great deal of money, and if they were printed there would be others to be printed, for all of which the State would have to pay.][10]

Mr. WILLIAMS said, it had been suggested to him that it would be just as well to lay these resolutions on the table, and have them printed, and made the special order for Monday next.

[Mr. LOGAN. I can see no benefit in postponing this matter. Why not begin now? What else have we to do? Why not pro-

[10] The detailed reports of these speeches have been taken from the weekly *Illinois State Register*, June 18.

ceed in the discussion of the questions proposed in these resolutions? Why not hear the different opinions, views and sentiments of the members and melt them down—amalgamate them into one? Hear the views of gentlemen on these principles, in opposition to them, and the modifications of them. Here are assembled one hundred and sixty-two members, each has an opinion; we had better have them melted down one into another—modify one member's opinion by that of others. He hoped they would select some subjects— he did not care what—and proceed now, this very afternoon, to the discussion of them. They had nothing better to do; nothing else to do.

Mr. DAVIS, of Bond, said, that the remarks of the gentleman from Sangamon were very applicable. He, too, hoped they would proceed to the discussion of the various subjects that were open to them, and which must be, in some form or another, discussed. There must, at some time, be an opinion expressed on these subjects. There was the election of the judges, how the courts should be organized, the naturalization laws, the great question of banks. These are questions upon which the Convention would have to act. There were 162 members of the Convention, all had an opinion, they must at some time be reduced to one opinion—why not commence, then, the discussion this afternoon? Take up the judiciary—it may be the first question; take up the legislative department, that may be the first question. Let us get an opinion on any one of these subjects. Take either of them up and discuss it, and then pass on to the others, and until in this way we ascertain the sense of the Convention upon them all, and the work will be done.

Mr. BROCKMAN was glad to see the desire of gentlemen to get on with the work of the Convention. The best way of serving their constituents was to be doing the work they had been sent there to perform. There were three leading questions upon which they would be called to act—the executive, legislative and judiciary departments of the State—upon either of which we might have an immediate discussion. Every delegate had an idea of a constitution in his mind, and of what it should be. By commencing the discussion now we might get through the labors of this Convention in six weeks; but if we get along only as we have done

we would not get through in six months. Let us get up those resolutions, and then perform our duty by discussing them, which is certainly no more than we owe to our constituents. He felt that this was his duty as he had sat there in his place and saw the time wasted away unprofitably. There was time enough left, and he hoped it would be occupied in a proper way.][11]

Mr. BALLINGALL hoped the motion to print would be adopted. They could be printed by tomorrow forenoon, and the time between now and Monday would be little enough for the President to appoint the standing committees.

Mr. MINSHALL was in favor of going on now. There are no committees appointed yet, and we have nothing to do. Let us get at the sense of the Convention upon some of these points, and then the committees will have nothing to do but carry out our views. We all understand what the constitution should be; there is no delegate present but does, or is presumed to, know what the general features of the constitution should be. He earnestly hoped the Convention would go on with the discussion.

Mr. ROUNTREE thought the motion was very unnecessary. We had passed a resolution to print the constitution, which we would soon have before us on our desks. There were five days already wasted, and we have done nothing. Let us have a starting point; and if we would but commence to hear the views of gentlemen on any of the questions before us, we would have done much. He was in favor of the proposition of the gentleman from Stark.

Mr. WILLIAMS. It is very well to have the old constitution printed, but no delegate would suppose that we are to take it up, and do no more than to add to and strike from it.

He thought Monday next a good day to commence the work in earnest. Let us have good feeling among the members—no crimination nor recrimination about what is passed, nor about what has been said by any of the members. He could see no reason for it. Let them do the work for which they had come there, and that, too, methodically; and if they went to work thus, in the second week, no one could complain. We thus could do

[11] These speeches by Logan, Davis, and Brockman, were omitted from the tri-weekly *Illinois State Register*, but printed in the weekly of June 18.

the work in a shorter time than in any other way.—The delay of one day was not much; and then take it up, and go to work in good temper until it was done.

Mr. WHITNEY liked the feeling that had been displayed by gentlemen to expedite the business of the Convention. But he did not think they could expedite matters much by commencing this evening. If we had these resolutions printed and before us, we could then understand, by reading them and examining the language ourselves, better than if we had only heard them read from the secretary's table. We cannot get through the discussion of these questions in a few days, nor, perhaps, in a few weeks.

Mr. HARVEY moved a division of the questions to print and lay on the table.

Mr. DAVIS of Bond was not opposed to the mere motion of printing these resolutions, but in them were not contained all the questions which would come before the Convention. They contained propositions relative to the judiciary and Legislature, but the questions of banks, the right of suffrage, the naturalization law, were not contained in the resolutions. There was a large number of resolutions on the table, and to-day we print these two resolutions, and to-morrow other gentlemen will call up their resolutions, involving questions upon every subject, and then will come motions to have them printed also.

Mr. KITCHELL said, that the great difficulty in the progress of business appeared to him to be in the presentation of too many questions for discussion at one time. Here was a series of resolutions, with a long preamble, partaking of the character of a speech, and members could not be expected to discuss or vote upon propositions in such a shape. A naked question only should be presented. Let it be the abolition of the Council of Revision. There was hardly a member but was prepared both to vote on, and discuss that proposition; and then so on with others. Let the questions be put nakedly to the Convention, and the members were prepared to meet them. Let them be presented with the question of altering the mode of appointing the judiciary, and the various other questions, singly, and they will be prepared for them.

Mr. LOGAN concurred with the gentleman last up, and had drawn up something which would present to the Convention a

single point, something tangible, which they could all understand. It was a proposition to amend the resolutions of the gentleman from Greene.

The CHAIR ruled the amendment out of order, while a motion to print and lay on the table was pending.

Mr. Z. CASEY desired to make a single suggestion. Would it not facilitate the matter to refer the whole resolutions to the committee of the whole, and make them the order of the day for to-morrow? Let all the resolutions that had been offered be referred to the committee, and then make something out of the whole of them if you can. When the committee had got them into shape, let that report be printed. He would not make the motion, but merely the suggestion to the Convention.

Mr. ARCHER could not vote upon important principles set forth in a series of resolutions without having had time for reflection and examination. He did not desire to vote upon subjects which he might, upon reflection, have wished he had not done. We had a most important duty to perform. We were making laws for ages to come. He had heard the resolutions read once at the secretary's table, and could form but a general opinion of them; he only recollected part of them. He desired to postpone the discussion of them until they could examine them. He agreed that we should work with good feeling. We should cast no reflection upon gentlemen who might have offered a resolution or anything else in the Convention. All were anxious to perform the duty that had been assigned them by their constituents; and he could not believe that anyone had offered a resolution here for the purpose of killing time. He felt that he had a duty incumbent on him to go at once to the business of this Convention. In view that he might understandingly assume the responsibility of voting on the propositions, he thought that he should have time for examination. He agreed that they should vote on every proposition singly.

Mr. PALMER of Macoupin. The proposition now before them was to debate a certain series of resolutions containing several propositions offered by the gentleman from Greene. It was very proper for those who agreed with the views contained in those resolutions to desire their discussion. But other gentlemen had

presented a class of resolutions of antagonist character in principle. The discussion should be so comprehensive as to include a debate upon propositions of both sides. We ought to have them all before us, and, after a full discussion of them all, select such views as are best from the variety before us. We ought to have the most light we can. What advantage would it be to discuss a proposition containing but one view of a question, unless at the same time we had the antagonist principle set forth in the same shape?

To discuss the question, how many members the Senate and House of Representatives should contain, what need have we of having any printing done? He hoped that if any were printed, the Convention would have them all before them.

Mr. LOGAN said that, if there were any gentlemen ready to discuss any other questions, there could be no propriety in delaying. He had sent to the Chair an amendment to the resolutions of the gentleman from Greene, which presented a single point. The resolutions of the gentleman provided that the judges should be elected and hold their office for six years. His amendment proposed that they should be elected one for four years, one for eight, and one for twelve years, having a change every four years, but to have the term finally at twelve years. This amendment would present the question, and to his view, and in his estimation, a very great question, whether the judges of the supreme court should be elected at different times or all at once. He thought these matters might be discussed at once.

Mr. WILLIAMS then withdrew his motion to lay on the table.

Mr. THOMAS suggested a reference of the whole matter to the committee of the whole, as there these questions might be discussed singly. He suggested this plan of operation to gentlemen, as there seemed to be a disposition to act now. He moved a reference of the resolutions and amendment to the committee of the whole; which was agreed to.

The Convention then resolved itself into committee of the whole—Mr. SHERMAN in the chair.

Mr. BALLINGALL wished to inquire of the gentleman from Greene, what he meant by the words in the resolution, "that

neither of them could, without the consent and co-operation of at least one of the others, injuriously affect either of the great rights of personal liberty and private property."

Mr. NORTON said, he had been in favor of laying the resolutions on the table and printing them, to enable members to understand them correctly. One person would understand them one way, and one another.

Mr. HARVEY moved to strike out the sentence.

Mr. WOODSON said, he would explain the meaning. Suppose the Legislature should pass a law to hang a man without a trial by his peers—without the approbation of any tribunal. Is it possible that any law should be recognized as a law until passed upon by the judiciary?

The Legislature can pass no law affecting life or liberty without the co-operation of a co-ordinate branch of the government.

Mr. WILLIAMS explained further, by saying that the Legislature might pass a law that a man should be hung without trial, and send a committee out to execute it; they are precluded from so doing by this provision.—They pass laws affecting the rights of private individuals, and this provision is introduced to prevent an abuse of that power. Why distribute the power of government into several branches? Because one branch of the civil magistrates may become corrupt, and there should be some provision in case that, if one branch should become corrupt, the other should control it.

Mr. DAVIS of Bond. The gentleman from Greene says, in the proposition before us, that no one power can affect life or liberty without the co-operation of another. He does not say which one. Suppose the Legislature did pass a law to hang a man without a trial by his peers, and that it should obtain the co-operation of the Governor, that would be another branch of the government—but not the right one, I should think!

Mr. Z. CASEY would suggest to the gentleman from Greene that his proposition did not materially amend the constitution. It would appear, said he, that that article of the constitution is not essentially amended by the proposition of the gentleman. In his mind, they should not attempt to amend the constitution unless they obviously did amend it. The old constitution, as he

had hinted before, was, in many parts, better than any thing new they could adopt. We had better let it alone unless we did materially amend it.

Mr. WOODSON. If the proposition does not materially affect the constitution, there can be no harm in it; nothing objectionable—nothing to fear in it, if it contains essentially what is in the constitution. It is only declaring our opinion that what was in the old should be in the new.

Mr. BALLINGALL moved that the committee rise and report that they had had certain resolutions under consideration, had made no progress therein, and ask leave to sit again.

The PRESIDENT took the chair, and the chairman of the committee so reported. Several members then rose, and declared that it was not their understanding of the report that was to be made. The chairman was allowed to amend his report.

On motion, the Convention adjourned till Monday next, at 9 o'clock, A. M.

VI. MONDAY, JUNE 14, 1847

Prayer by the Rev. Mr. PALMER.[12]

Messrs. GREGG, of Cook and LASATER, of Hamilton appeared, were qualified and took their seats.

The president announced the standing committees of the Convention; which are as follows:

Executive Department—Messrs. Lockwood, Rountree, Vance, Manly, Swan, Sharp, Huston, Evey, Worcester, Hay and Frick.

Judiciary—Messrs. Scates, Logan, Henderson, Ballingall, Hoes, Harlan, Farwell, Minshall, Wead, Davis of Massac, and Hurlbut.

Legislative Department—Messrs. Dement, Williams, Dale, Constable, Thompson, Zadoc Casey, Witt, Servant, Marshall of Mason, Peters, Judd, Rives, Pace, Powers, and Heacock.

Bill of Rights—Messrs. Caldwell, Grimshaw, Cross of Winnebago, Trower, Webber, Knapp of Jersey, Sim, Carter, Atherton, and Hunsaker.

Incorporations—Messrs. Harvey, Dummer, Bosbyshell, Edmonson, Green of Tazewell, Anderson, Kinney of St. Clair, Allen, Whitney, Spencer, and Lasater.

Revenue—Messrs. Zadoc Casey, Thomas, Green of Clay, Knox, Laughlin, Palmer of Marshall, Stadden, McClure, Eccles, Jones, and Vernor.

Elections and Right of Suffrage—Messrs. Davis of Massac, Green of Jo Daviess, Marshall of Coles, Brown, Geddes, Ballingall, Hawley, Armstrong, McCallen, Oliver, and Knowlton.

Finance—Messrs. Sherman, Davis of Montgomery, Hogue, Archer, Robbins, Dunlap, Blakely, Brockman, Pratt, Mieure, Harper, Roman, Hatch, Adams, and West.

Education—Messrs. Campbell of Jo Daviess, Edwards of Madison, Shumway, Smith of Gallatin, Palmer of Macoupin, Pinckney,

[12] This was apparently Henry D. Palmer, delegate from Marshall County. "He has frequently been called upon to serve as chaplain." *Chicago Democrat*, August 17, 1847, Springfield correspondence of August 10. See biography in appendix.

Matheny, Choate, Harding, Churchill, Turner, Tutt, Robinson, and Shields.

Organization of Departments, and Officers connected with the Executive Department—Messrs. Archer, Gregg, Edwards of Sangamon, Miller, McCully, Lander, McCallen, Church, Akin, Loudon, Kinney of Bureau, Sibley, Kenner, and Moffett.

Division of the State into Counties and their Organization—Messrs. Jenkins, Lasater, Blair, Markley, Simpson, Graham, Mason, Cross of Woodford, Turnbull, Canady, and Hill.

Militia and Military Affairs—Messrs. Whiteside, Morris, James, McHatton, Deitz, Holmes, Kreider, Huston, Tuttle, Smith of Macon, Dawson, Moore, and Jackson.

Revision and adjustment of the articles of the Constitution adopted by this Convention and to provide for the alteration and amendment of the same—Messrs. Edwards of Madison, Scates, Logan, Allen, Knowlton, Butler, Singleton, Holmes, Caldwell, Norton, Farwell, Gregg, Woodson, and Thomas.

Miscellaneous Subjects and Questions—Messrs. Crain, Bunsen, Campbell of McDonough, F. S. Casey, Colby, Cross of Woodford, Dunn, Dunsmore, Lemon, Lenley, Nichols, Smith of Macon, and Northcott.

Law Reform—Messrs. Hayes, Knapp of Scott, Woodson, Thornton, Kitchell, Davis of McLean, Bond, Norton, Thomas, Kinney of St. Clair, and Edwards of Sangamon.

[Mr. CALDWELL requested to be excused from service on the committee on the Bill of Rights; which was granted.][13]

Mr. DEMENT moved that 200 copies of the rules be printed. Carried.

The president laid before the Convention a communication from the Secretary of State, on the subject of common schools. Laid on the table.

Mr. SHUMWAY introduced a resolution containing the following propositions:

1. That the new constitution shall prohibit the Legislature from imposing, continuing or reviving a tax—creating a debt—making, continuing or reviving any appropriation of money or property; or which releases, discharges or commutes any claim of

[13] Added from the weekly *Illinois State Register*, June 18.

the State except by yeas and nays, duly entered on the journals; and three-fifths of either House shall be necessary to constitute a quorum upon the passage of such acts.

2. That no appropriation shall be paid out of the State treasury, except in pursuance of law, and within a certain period after its enactment.

3. That the Legislature shall not grant extra pay to any public agent after such public service shall have been performed, or contract entered into for the performance of the same.

4. And shall also have power to make deductions from salaries of public officers, who neglect the performance of any public duty assigned them by law. Referred to committee on Legislative Department.

Mr. DEMENT offered the following resolution:

Resolved, That the order of proceeding in the amendment, revision or alteration of the present constitution of this State, shall be the reading of the articles and sections thereof, in their order, and referring them, together with such amending propositions as may seem expedient, to appropriate committees, for their consideration.

Mr. D. said, that this resolution, or one similar to it, should be adopted in order to establish, as early as practicable, some system by which the business of the Convention could be expedited.

Mr. BROCKMAN moved to strike out all after the word "resolved" and insert various amendments to the constitution.

Mr. ROBBINS was in favor of the resolution of the gentleman from Lee (Mr. DEMENT.) He thought that if every member should at once present all his views upon every subject embraced in and connected with the constitution, it would take several months to get through. He thought the original resolution was calculated to establish a systematic mode of procedure. He moved to lay the amendment on the table. Agreed to.

Mr. PALMER supported the resolution. He was for establishing order. Without it they could not proceed with dispatch in the business for which they had been called together. Order was the first law of nature. He thought that the submission to the consideration of the Convention, of skeleton constitutions embracing every subject, was calculated to delay action. The

multiplicity of ideas and propositions, thus presented, would keep them here, they do not know how long.

Mr. KINNEY offered a substitute to the resolution, the substance of which was as follows:—That so much of the constitution as relates to the executive, the judiciary, and legislative departments, be referred to the committees on those subjects, and so also, in regard to questions of finance, education, elections, corporations, &c., each subject being referred to its appropriate committee.—He also embodied in his resolution, instructions to the committee on incorporations, to report against the creation of banks in this State, and that no corporation be permitted to issue paper money, and that the property of members of corporations be made liable for the debts of such corporations.

Mr. ROUNTREE offered a substitute to Mr. K.'s substitute, and differing from it only in leaving out the instructions.

Mr. CAMPBELL, of Jo Daviess, advocated Mr. DEMENT's resolution.

Mr. ROUNTREE spoke in favor of his own substitute.

The discussion was continued by Messrs. KINNEY of Bureau, KITCHELL, DAVIS of Bond, DEMENT and HENRY.

Mr. GEDDES also participated in the debate, and moved to lay the substitute on the table.

Mr. Z. CASEY suggested that the two substitutes be withdrawn by the gentleman who offered them; which they agreed to.

The resolution offered by Mr. DEMENT was further discussed by Messrs. THOMAS, LOGAN, DEMENT, and ROUNTREE, when the Convention

Adjourned till two o'clock.

AFTERNOON

The Convention took up the resolution of Mr. DEMENT, which was under consideration at the time of adjournment.

Mr. DEMENT stated that he had modified the resolution which was pending at the adjournment so as to read as follows:

Resolved, That in Convention the order of proceeding in the amendment, revision, or alteration of the present constitution of this State shall be, to take it up and read, in their order, the

articles and sections thereof, and referring the amending propositions to appropriate committees for their consideration.

Mr. ROUNTREE then moved the amendment submitted by him in the forenoon to the original resolution offered by Mr. DEMENT; which was accepted by Mr. D.

Mr. SHUMWAY offered a substitute to the resolution; which was rejected.

The question then recurring on Mr. DEMENT's resolution, it was adopted.

Mr. WOODSON offered a resolution that when a committee submits a report, it shall be taken up and disposed of before any other business. Adopted.

Mr. MARKLEY offered the following resolution:

Resolved, That the committee on Incorporations be, and they are hereby, instructed to report an amendment to the constitution prohibiting, forever, within this State, the incorporation of any bank or company for banking purposes, and the manufacture and emission, by any company, copartnership or individual, of any bank note, or other paper designed to be circulated as paper money.

Mr. PRATT offered the following substitute to Mr. M.'s resolution:

Resolved, That the standing committee on Incorporations be instructed to inquire into the expediency of reporting the following provisions, to be adopted in the amended constitution:

1. There shall be no bank of issue or discount within this State.

2. The Legislature shall not have power to authorize or incorporate, by any general or special law, any bank or other institution having any banking power or privilege, or to confer upon any corporation, institution, person or persons, any banking power or privilege.

3. It shall not be lawful for any corporation, institution, person or persons, within this State, under any pretense or authority, to make or issue any paper money, note, bill, certificate, or other evidence of debt whatever, intended to circulate as money.

4. It shall not be lawful for any corporation within this State, under any pretense or authority, to exercise the business of receiving deposits of money, making discounts, or buying or

selling bills of exchange, or to do any other banking business whatever.

5. No branch or agency of any bank or banking institution of the United States, or of any State or Territory within or without the United States, shall be established or maintained within this State.

6. It shall not be lawful to circulate within this State, after the year 1848, any paper money, note, bill, certificate, or other evidence of debt whatever, intended to circulate as money, issued without this State, of any denomination less than $10, or after the year 1850, of any denomination less than $20.

7. All payments made, or business done, in paper money in this State, and coming within the meaning of the last section, are declared utterly void; and the Legislature shall, at its first session, after the adoption of these amendments, and from time to time thereafter as it may be necessary, enact adequate remedies for the punishment of all violations and evasions of the provisions of the preceding section.

The PRESIDENT stated that the presentation of these last two propositions was premature, they being inhibited by the adoption of Mr. DEMENT's resolution.

Mr. MINSHALL moved to suspend the rule for to-day; which was done, when

Mr. MARKLEY again offered his resolution on the subjects of banks, and

Mr. PRATT also offered his on the same subject.

Mr. THOMAS moved to refer both to the committee on Incorporations. Carried.

Mr. ———————— offered a resolution to abolish the council of Revision. Carried.

Mr. EDMONSON offered a resolution concerning revenue. Adopted.

Mr. DAWSON offered a resolution, that pleasure carriages, watches, &c., be taxed, and the proceeds added to the school fund, which, after being amended, so as to make fines and forfeitures as a part of the School Fund, was adopted.

Mr. DAWSON offered [a] resolution, that the office of public printer be abolished. Referred to the committee on Finance.

Mr. ARCHER offered a resolution, that the Executive committee inquire into the expediency of limiting the authority of the Governor to pardon criminals; which was adopted. He also offered a resolution that the legislative committee inquire into the expediency of prohibiting the State to borrow, unless the bill for such purpose shall have first been submitted to the people, except in cases of extreme emergency, and then loans only to a limited amount may be borrowed.

Mr. DEMENT offered a resolution, that an article be incorporated in the constitution, limiting the Legislature to one hundred members—thirty senators, and seventy representatives.

Mr. CASEY moved to strike out all after the word "resolved," and insert a provision that there shall be sixty members—forty in the House and twenty in the Senate, elected for two years, sessions not to exceed sixty days—pay of members two dollars per day.

Mr. EDMONSON moved to amend, so as to provide for a biennial session of the Legislature—sessions to hold not exceeding sixty days, both branches to consist of one hundred members—pay two dollars a day for coming, attending and returning. Referred to the committee on the Legislative Department.

Mr. WOODSON offered as a provision in the constitution, that each male inhabitant, over twenty-one years of age, pay a capitation tax of one dollar, to be applied in payment of the State debt. Referred to the Revenue committee.

Mr. SHUMWAY offered a resolution, that the Judicial committee inquire into the expediency of providing by the constitution, that no judge of the circuit or supreme court shall be elected during his term of office, to any office of honor, trust and profit, except in the case of a circuit judge who may be elected to the supreme bench—an offer to be a candidate to be regarded as a voluntary resignation of office.

Mr. CAMPBELL, of Jo Daviess, offered a resolution, that the Judiciary committee inquire into the expediency of amending the constitution so as to provide that sheriffs shall not be elected for a longer term than three years, and they shall not be eligible for a second consecutive term; that the officer [*sic*] of Lieutenant

Governor be abolished, and that an additional secretary be appointed to report the debates of this Convention.

Mr. WEAD moved to amend so as to abolish the office of Attorney General. He said that he thought that office was unnecessary. If the State should be divided in judicial districts, requiring the supreme court to be held in each, the district attorneys could perform the same duties. He knew of no reason why the Attorney General should enjoy a higher dignity than other prosecuting attorneys. That officer had the same duties to perform and but few more. Amendment agreed to.

The question recurring upon Mr. C's resolutions.

Mr. SINGLETON said, that he regarded the proposition to appoint an assistant to report the conventional debates, as a most important one. He had heard remarks in regard to the expense of publishing these debates. Wishing, as much as any member, to avoid expense, he would not carry economy so far as to withhold his support from a measure, which had for its object the enlightenment of the people in regard to our action in this body, and the provisions of the constitution which are to be submitted to them for ratification or rejection. By a report of our debates, said Mr. S., the people may learn something in relation to the motives by which we were influenced, and the ends we wish to accomplish in framing the organic law upon which they are to pass a final judgment. The volume will, it is true, contain a condensed, and perhaps a crude, report of our doings; yet it cannot fail to enlighten the people, and he believed that the people would consider the cost of the publication well repaid by the information they would gain by it. He knew not, neither did he care, what it might cost; he believed that it would not be more than their constituents would be willing to pay. He thought that opposition to it grew out of a penny saving policy and mere practical retrenchment, which it was not the duty of the Convention to engage in. We have come here, said he, to unfold and apply new principles of government; and he desired to submit those principles to the people with all the light possible. He cared but little how it should be done, whether by the body itself or by the contribution of members. He was willing to pay for reporting and printing. He would by all means do so if it was to be done

for the benefit of members; but he did not so regard it. It was for the benefit of the people that he urged its adoption.

Mr. PALMER, of Marshall, could see no necessity for publishing an official report of the debates. There were gentlemen present, whose business was, as he understood, to report for the papers the speeches of members, and they would give all the important debates; the public can, from these, obtain all the information desirable in relation to our proceedings. These, besides being published in the papers here, will be copied in other papers, and obtain a wide circulation. Thus it is apparent, that for us to publish them, would be incurring a useless expense. He knew that the congressional debates were sometimes published, but such a proposition was unheard of in Illinois. In our present pecuniary embarrassment, as a State, he regarded it as highly improper. It would be showing liberality before justice. Our debt is heavy: it will cost something to publish these debates, and by not doing it, we may save a little, at least. The globe is composed of particles, and our State debt is composed of dollars and cents. In the estimation of many, the odium of virtual repudiation rests upon us, which it is our duty to remove before we indulge in undue extravagance. Though we have but little or nothing to show for this debt, we still owe it; and before he left the stage of action, he wished to see some measures taken for its liquidation. In this view of things, he was unprepared to support the resolutions.

Mr. KINNEY moved to amend the resolution so as to require members to pay for reporting their speeches; each member to pay in proportion to the number and length of his speeches. (Laughter.)

Mr. K. made a few remarks, which, owing to confusion near the reporter, was [*sic*] not distinctly heard by him.

Mr. WEAD was anxious to have the debates published. Allusion had been made to taxes. He thought that the expense of publishing these debates would not affect the payment of the public debt. A mill and a half on the dollar had been appropriated for that object, and the appropriation for this will not diminish that amount. The only question is, whether it is a proper object, and whether the people will be willing to pay a reporter. He desired to have the costs estimated by a committee.

It has been said that the debate will be published in the newspapers. He had no expectation that they would be published in the newspapers; and if they should be, members would hardly recognize them as their own. He desired to have them published officially, so that they might be transmitted to posterity in a reliable form. He scarcely knew of a Convention that had not published debates. It was, at the present day, the uniform practice. He regretted that the debates of the Conventions of other States were not accessible to the members of this Convention. They would be most serviceable in affording light and information to guide them in their deliberations. The people desire information in regard to the action of this Convention. Will it be pretended that they will be competent to judge without light? He who denies information will do them a wrong. It is a mistake to suppose that the people will not be willing to pay for it. They will not forego it for the sake of saving money, and he hoped it would be furnished in an authoritative form. The newspapers will not give it in an authentic shape. Every newspaper reporter is more or less influenced by political feelings and party bias, and if disposed to report erroneously, we have not the power to correct their misrepresentations. For these reasons he desired that an official reporter should be appointed, whom they could control. The expense will be but little. He had been informed that a reporter could be hired for the pay of a secretary, and the debates could be printed by the public printers.

Mr. MINSHALL said, that he had never directed his attention particularly to the subject, but on referring to the law he had ascertained that the Convention had not the power to appoint an official reporter. It is true that gentlemen have adopted a different name for such an office, but he considered it but an evasion of the law. He thought they ought to be governed by the letter and spirit of the act of the General Assembly which provided for the call of the Convention. He concurred with gentlemen in the importance of having the debates published; but the Legislature had not authorized it, and they, not us, are responsible for the omission. We have not, said he, the power to appropriate money for this purpose, and changing the name from reporter to secretary will not give it to us.

Mr. SINGLETON proceeded to reply to Mr. M. He said that the gentleman was mistaken in his construction of the law. The secretary's business is to report the proceedings of the Convention, and this body may appoint another secretary to report the speeches, which, in fact, form a portion of the proceedings. He did not regard it as an evasion of the law; but—[Here the president called him to order, stating that under the rules, no member could speak twice to the same question when other members desired to speak.]

Mr. DAVIS, of Massac, said, he would avail himself of the opportunity afforded him by the discussion on the resolutions now before the Convention, to express his views in relation to the election of an official reporter of the debates of this body, to correct a misreport of the remarks which he had the honor to submit to this assembly a few days since, on the resolution then pending, which had for its end, in part, the definition of the objects for which the Convention was called, and the extent of its powers.

I think, sir, (said Mr. D.) that the debates of this Convention ought to be published and preserved for the use and benefit of the people of the State, and I am, therefore, willing to see a competent gentleman selected for the purpose, with reasonable compensation for his services, to be paid out of the State treasury, in pursuance of law; or, if gentlemen can be induced to do so, to be paid by the members themselves, out of their per diem allowance. The reasons for the publication of these debates are so numerous and weighty, and have been so fully stated by gentlemen who have preceded me, that I shall not attempt to adduce any in addition, or to urge by other arguments those which have already been submitted to the Convention, concluding, as I do, that enough has been said by others to convince the members of the great importance of the report and publication.

It was remarked by the member from Fulton, that the published reports of the speeches of members of this body, as found in the newspapers of this city, are very inaccurate and faulty, which must be the case while the reports continue to be taken down and published unofficially. I can myself bear testimony to the correctness of this statement; for, sir, in the report of the remarks

which I had the honor to deliver to the Convention the other day, on the resolution before alluded to, I am misrepresented in a very important particular. In that report I am made to say that "the act providing for the call of this Convention was both constitutional and proper." This I did not say, sir, but, on the contrary, I remarked, that I had opposed the act on constitutional grounds while it was before the Senate, of which body I was an humble member at the time of the passage of the law. I argued, however, that the Legislature possessed plenary power to make the appropriations which they did make to pay the members of the Convention, and the officers connected with it, and that it was highly proper to do so. I said, further, that this was a constitutional Convention, brought together in pursuance of the 7th article of the constitution, and, as such, limited within certain boundaries and to certain objects specified in the said 7th article.[14]

I said, sir, that the people were not here in their primary original capacity, but in the persons of their delegates, chosen under the constitution and in pursuance of its provisions.

I hold it to be a fundamental axium [*sic*] in political science, that the people, *as such*, have a right to abolish government, and institute new forms for their better security and greater happiness. This is what I said, sir.

Mr. CAMPBELL, of Jo Daviess, said, that he supposed when he offered the resolution under discussion, that its importance would be apparent to all, but he had discovered that, when any matter of this kind is proposed, the question of cost and expense is at once raised and so strongly urged as to render success almost hopeless. Now, sir, it is hard to believe that there is a member on this floor who does not appreciate the importance of employing an official reporter. Are not the debates of the constitutional conventions of other States eagerly sought after? They are, sir, and it is a matter of regret that we have not within our reach the debates that have taken place in similar conventions in our sister States, to aid and enlighten us—to suggest modes of procedure, forms, &c. If we seek the debates of the conventions of other States, will not ours also be sought for? The constitution that we are to adopt, will be presented to the people for their ratifica-

[14] See *ante*, 19.

tion or rejection, and it is due to them, that the motives and influences that have entered into its adoption by us, should go forth with it, to aid the people in forming an opinion in regard to its merits and value. Let them have the same light and the same means of forming their judgment that we have. If we do not appoint a reporter, they cannot know—they will have no means of ascertaining—the motives or influences which gave birth to the constitution we present to them. We cannot expect the public prints to give a full report of the debates which take place in this body. They have not room for them in their columns, and if they had, they would give no more than they choose. They are irresponsible and beyond our control. It is desirable that we have a reporter, to whose reports full faith and credit can be given, and if any member should be misrepresented he can have a remedy. Gentlemen have said that they have been mis-reported. Adopt this resolution and the evil they complain of will be obviated. We have no right to expect the public prints to be perfectly accurate. They do not feel that responsibility which would be felt by an official reporter, and if we wish for an authentic record of what is said here, *we* must make provision for it.

Now, sir, a word in regard to the pay of the proposed officer. In framing the resolution, I used the term "secretary" instead of "reporter." We have a secretary to record our proceedings. Is there anything in the law of the Legislature prohibiting us to employ a secretary to record the speeches. They are as much a part of our proceedings as those acts which are generally distinguished by the term "proceedings." A large majority of the people elected this Convention to alter and amend the constitution; they solemnly declared that a revision was necessary, and appointed us to do the work. Did they not, I ask, as solemnly declare, that all the expenses attending it should be paid by the State? Did they not give us a virtual pledge, that they would pay the cost of carrying out the purposes of this Convention? Let these debates go out to the people along with the constitution. Of what service would the debates of the Convention of 1818 not be to us now? Who will say that the published debates of this Convention would not, in after times, be regarded as invaluable in explaining clauses, sentences and articles which may be of

doubtful construction? This consideration alone is sufficient to recommend this resolution to the favor of the Convention.

He was willing to vote for the amendment of the gentleman from St. Clair (Mr. KINNEY) if gentlemen were so much afraid to take money out of the treasury. He would himself contribute to have the debates printed, rather than have the project fail. He, however, thought that there was too much of RETRENCHMENT in the proposition for its supporters to vote for it themselves. He concluded by moving to lay Mr. KINNEY's amendment on the table.

Mr. KNOWLTON wanted to have a reporter elected, but he must take occasion to say that he loved consistency. Gentlemen were on one side for one purpose and on another for another. The other day gentlemen said we had no power beyond what the strict letter of the law had given us; now, they say we have power beyond that letter. He did not agree with them then, and he was glad to see them on his side now; but he hoped they would remain where they had got and be more consistent hereafter. We have come here for the purpose of being consistent—to send out a consistent document, free from party taint or bias.

Gentlemen called the proposed officer a secretary, to secure his pay to him. He did not like anything indirect—liked to hear things called by their right names. He should vote for the officer because he believed the Convention had the power to elect him.

Gentlemen had complained of being reported incorrectly. He had never noticed any misrepresentations, and he thought they were well enough reported. Great men are always complaining of being reported incorrectly. He had heard the same complaint from his boyhood. David Crockett said that he came near being ruined by the reporters.

Mr. HAYES made an animated speech in favor of employing a reporter, to be paid by an appropriation by the next Legislature. He thought the Convention had no power to create such an officer and draw money to pay him out of the treasury. The lateness of the hour compels us to condense Mr. H.'s remarks.

Mr. WEAD explained that he did not intend to accuse the reporters on the floor with intentionally misrepresenting members. He was aware that the duty was arduous—that they could give

no more than a synopsis of speeches. He had noticed that the reports of the different papers did not agree, and this was the reason why an official reporter was required. He was willing to pay for it.

Mr. SCATES said that it was his opinion that the Convention had not the power to make the treasury liable for the expense of employing a reporter. Allusion had been made to other States. So far as his information went, the debates in other States were published by private enterprise. We have reasons for economy; and he could not support the proposition.

Mr. PETERS remarked to Mr. SCATES, that the Missouri Convention had employed a reporter, and recommended the Legislature to pay him.

Mr. SCATES. The gentleman is unfortunate in his example, for the acts of the Convention were rejected by the people—constitution and all.

Mr. ROBBINS said, he could not vote for the proposition before the Convention. It asks this body to employ an additional secretary, to report the debates of the Convention, the speeches of the delegates, and that, sir, at the expense of the State.

The law calling this Convention gives it no such power. It authorizes the employment of such secretaries as are necessary in the transaction of its legitimate business, and for no other purposes. Now, if the speeches of the delegates in this hall are the business transactions of this body, it is the duty of the secretaries now employed to record them as such, in the journals of the Convention. If they are not the business of this body, it has no right to publish them, in any manner, at the expense of the State. But, why do gentlemen wish to publish these speeches? For whose good? They have told us it is for the good of the people of this State—to illuminate their minds, to enlighten them in the great principles that agitate this body, to acquaint them with the reasons that induce this Convention to propose the alterations and amendments they are going to offer to the people for their rejection or ratification, and thus produce a harmony in action of the convention and the vote of the people; and that otherwise the people would not approve of the amendments about to be offered

by this body. If this was all true, sir, it is impossible for the speeches to be reported, printed, bound, and circulated among the people in time to do any good. There is no probability that the Convention will be able to finish their business in time to present the alterations and amendments of the Constitution before the first Monday in August next, and the law requires that the people shall vote for or against the amendments proposed, on the fourth Monday in October following. The labor of getting up such a book would be immense. I hold in my hand, sir, the reported debates of the North Carolina Convention of 1835. That Convention met on the 5th day of June, and adjourned on the 10th day of the following month—not in session more than five weeks, and restricted, by law, to only nine propositions; and yet, sir, these debates make a volume of more than four hundred pages. Taking this for an example, what a volume would the speeches of this Convention make, in a session of at least two months, and with a range covering the whole Constitution of Illinois. Sir, it would be impossible to get up such a book, and to get it before the people, before the fourth Monday of October, the time required for the people to vote for or against the amendments. Besides, the expense would be entirely too great for the people to bear, in their present embarrassed circumstances. Nor do I think, sir, that these speeches would illuminate and edify the people as much as gentlemen seem to think they would. I have heard no better propositions on this floor for altering and amending the constitution, and no better arguments offered in support of those propositions, than I heard in the circle of my neighbors before I left home—in the workshop, in the store, in the groups of laborers collected to rest themselves in the shade. Our constituents are not behind us in this matter. They know how they want their constitution altered. They told us how to alter it before we came here, and so far as mine are concerned, they want us, with all reasonable expedition, to make those alterations and then come home.

I am pleased with the gentlemen's speeches.—They have displayed much talent and eloquence, and I should be glad to see them go before the world. But let them go by way of private enterprise, not at the expense of our impoverished State. But I

do not think the community would regard them as having been very efficient in promoting the interests of this Convention. To show the estimation put on these speeches by the community, I will relate an anecdote of what happened in an adjoining county a few weeks since, as a delegate was taking leave of one of his constituents. "How long," said the old farmer, "do you expect to be gone to the Convention?" "I expect to be home by the first Monday of August next," was the answer. "How many lawyers are there in the Convention?"—"About forty," was the answer. "Forty lawyers in the Convention," said the old man; "then farewell, I shall never see you any more!"][15]

Messrs. SINGLETON, KITCHELL and others made a few remarks, when

Mr. PALMER, of Marshall, moved the indefinite postponement of the subject, which was agreed to.

The first two propositions of Mr. Campbell were referred to appropriate committees, and that relating to the reporter only was postponed.

Adjourned.

[15] Robbins' speech in detail has been inserted from the weekly *Illinois State Register*, June 18, in place of the tri-weekly's notice that "Mr. Robbins made a humorous speech against employing a reporter, which we have not time to give in this day's paper."

VII. TUESDAY, JUNE 15, 1847

Mr. FARWELL presented the petition of sundry citizens for a provision in the constitution providing for the appointment of a State superintendent of public instruction. Referred to the Education committee.

Mr. THORNTON presented the petition of sundry citizens of Shelby county, on various subjects, which was referred to the committee on Miscellaneous Subjects.

Mr. MARKLEY moved to take up his motion made yesterday, to re-consider Mr. DEMENT's resolution in relation to the mode of proceeding in the business of the Convention. The motion carried, the vote was re-considered, and the resolution was laid on the table till the first day of January next.

Mr. JENKINS moved to take up certain resolutions offered by him some days since, which was agreed to; and the question being upon referring the resolutions to the appropriate committees, a debate arose on the best mode of taking up the various propositions submitted. Mr. DEMENT thought that the order of business, as it now existed, would retard the business. Messrs. BROCKMAN, DAVIS of McLean, JENKINS, and LOUDON, insisted that the rights of members to bring forward their propositions would be considerably abridged by the mode of proceeding for which Mr. DEMENT contended. The previous question was here ordered, and the resolutions were referred.

Mr. JENKINS moved to take up the resolution offered by him on the 11th inst., which was done, and the resolutions were referred to the appropriate committees.

Mr. DAVIS, of McLean, offered a resolution that the Judiciary committee be instructed to inquire into the expediency of organizing the judiciary on a basis, the substance of which is as follows:

A supreme court, composed of three members, having appellate jurisdiction only, to be chosen in separate districts by the qualified voters thereof, for nine years, one to be elected every third year: after the expiration of three terms under such classification, their

term to be nine years. Salary $1,200. Re-eligible, but incapable of holding any other office during term and for two years after its expiration. Clerk to be chosen by voters of State at large, for a term of three years. The State to be divided into blank number of circuits—judge in each circuit elected by people, for six years. Salary $1000. To hold no office during term, or two years after its expiration. Said courts to have probate jurisdiction. Clerks to be elected by the people for three years, who shall be *ex officio* recorders of deeds. Circuit attorneys elected by people in each circuit. Salary $300. Election of judges to be holden at different times from the election of State officers.

Mr. CAMPBELL, of Jo Daviess, moved to amend, so that the State may be divided into ———— judicial districts: one term to be annually held in each. Resolution and amendment referred to the Judiciary Committee.

Mr. SMITH offered a resolution that the committee on Revenue be requested to inquire into the expediency of so amending the constitution as to prohibit the Legislature from pledging the faith of the State for a larger sum than $50,000, without first submitting the matter to the people: also, to inquire into the expediency of locating the seat of government.

Mr. SHUMWAY offered a resolution that the Legislative committee inquire into the expediency of prohibiting any member of the Legislature from receiving, during his term, any civil appointment within the State, or to the Senate of the United States.

Mr. CHURCH offered a resolution that the committee on the Bill of Rights be requested to inquire into the expediency of so amending the 6th article of the constitution, as to provide that there shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crimes whereof the party shall have been duly convicted; nor shall any person be deprived of liberty on account of color.

Mr. KNAPP offered resolutions in substance, that the Governor shall be invested with the veto power; bills objected to by him to become laws if a majority subsequently vote for them. 2d RESOLUTION. That committees, when they report, do so in sectional form, omitting their reasons. 3d RESOLUTION. That the

committee on Elections be requested to inquire into the expediency of fixing a different day for the election of judges, from that for general officers.

The resolutions were divided, and the two first passed. The last resolution was amended, on motion of Mr. SHUMWAY, so as to request the Election committee to inquire into the expediency of prohibiting persons from voting who have bets on the election pending, and passed.

Mr. DAVIS, of Montgomery, offered a resolution that the committee on Elections inquire into the expediency of so amending the constitution as to have all voting at elections by ballot.

Mr. HURLBUT moved to amend so as to request the committee to inquire into the expediency of so altering the 27th section of article 3, as to require that all electors shall be citizens of the United States.

Mr. MARSHALL, of Mason, moved to amend so as to strike out all after the word "resolved," and insert, in substance, that the committee be instructed to inquire into the expediency of so amending, as to require voters to have lived in the State twelve months, and one month next preceding the election: *Provided*, that all foreigners in the State at the time the constitution is adopted shall be considered as electors. Resolution and amendments referred to the committee on Elections.

Mr. DAVIS, of Massac, offered a resolution that the committee on the Bill of Rights be instructed to inquire into the expediency of reporting an amendment, in substance, that persons accused of crime, shall be tried in the county or district where the crime is alleged to have been committed, which county or district shall have been previously ascertained by law, &c.

Mr. DAWSON offered a resolution that the committee on the Organization of the Departments of State be instructed to inquire into the expediency of electing the Governor for three years: members of General Assembly to hold but one session of sixty days during Governor's term, at $2 per day, and $2 for every twenty miles' travel.

Mr. CAMPBELL, of Jo Daviess, moved to strike out two dollars and insert three. Lost. Resolution adopted.

Mr. TURNER offered a resolution, that the Legislature inquire, &c, as to abolishing capital punishment.

Mr. McCALLEN moved to strike out and insert so as to abolish capital punishment, and take away the pardoning power from the Governor where the punishment is death under the present constitution. Referred to committee on Law Reform.

Mr. THORNTON offered a resolution that the committee on Law Reform be requested to inquire into the expediency of so amending the constitution, that testimony in courts of equity be taken in the same manner as in suits at law. Adopted.

Mr. MOFFETT offered a resolution that after the first day of January, 1849, no bank bill shall be passed in this State of a less denomination than twenty dollars, and, in the event of a bank being established in this State, it shall not issue any bill of a less denomination than twenty dollars.

Mr. PRATT moved the following substitute:

Resolved, That the committee on Incorporations be instructed to report such provisions as will effectually prohibit the power of the Legislature to create or authorize any individuals, company or corporation, with banking powers in this State.

Resolved, That said committee inquire into and report to the Convention such provisions as are best calculated gradually to exclude from, and prohibit the circulation in this State, of bank bills under the denomination of twenty dollars.

Mr. HURLBUT moved to amend by striking out the word "resolved," and inserting the following:

"That the committee on Incorporations be instructed to inquire into the expediency of so amending and altering the 21st section of article 8 of the constitution, as to provide for a system of general banking laws, similar in principle with the propositions lately adopted in the State of New York."

Mr. MARKLEY moved to lay the amendment of Mr. HURLBUT on the table.

Mr. DAVIS, of McLean, called for the yeas and nays.

Mr. MARKLEY modified his motion so as to lay on the table to a day certain.

Mr. DAVIS, of Bond, said that the amendment was a resolution of inquiry and that he should not vote against a resolution of

inquiry. When the question as to creating banks in this State should arise, he would vote for a provision prohibiting them. He hoped the amendment would go to the committee.

Mr. BALLINGALL said that it could not be concealed that there was a strong bank party in the Convention, and he was willing to have the test question upon banks taken at the present time. He hoped the motion would be modified so as to raise the issue. He believed that some members favorable to banks would receive such instructions from the constituents as would control their course, and he wished to know how the Convention was divided on the question at the present time.

Mr. CAMPBELL, of M'Donough, moved to have the sections of the New York constitution, on the subject of banks, read; which was agreed to, and the sections were read.

Mr. HURLBUT did not, when he offered the resolution, expect that it would evolve an issue on the absorbing question of banks, which he was aware was one of the most important that would probably engage the attention of the Convention; but if gentlemen were desirous of raising the question at the present time, he was ready to meet them. If they were anxious to take up this question, without any preparation, he would not object. If they feel strong enough to apply the rigid rules of party discipline, let them proceed. For his part he did not desire to draw party lines unless forced into it. He represented whigs and democrats and was determined to do justice to both. This question was one of absorbing interest to his constituents—they desired a sound currency, and, irrespective of party upon this, as well as other questions, he desired to consult their wishes and their interests. He did not, however, rise to discuss the merits of the question. He would infinitely prefer that the debate should be suffered to lie over to a future time; but, as he before remarked, if gentlemen wish to test the question *now*, he was ready to gratify them. It is a resolution of inquiry merely, which he had not expected would meet with opposition.

Mr. GREGG said that the resolution offered by the gentleman from Boone was respectful in its terms, and courtesy required that it should go to the committee. It was merely a resolution of inquiry and he could not vote against its reference.

Mr. PALMER, of Marshall, also advocated its reference.

Mr. SCATES was in favor of bringing the questions up at an early day of the session. Much interest in it was felt, as well by the people, as most of the members of the Convention. It had now assumed a shape in which it was debateable, and, for one, he was ready to engage in it. The time between the final adjournment and the day appointed for the people to vote upon the constitution, will be so short as to preclude the people from obtaining the requisite information, to enable them to vote understandingly, unless the subject is taken up early. Yesterday, the resolutions of the gentleman from Jo Daviess, (Mr. PRATT,) to prohibit banking in any form, were before the Convention; now the question comes up in a different shape, viz: a proposition to adopt the features of the general banking law of New York. He did not care how the question was presented so that the issue was made. He agreed fully with the gentleman from Boone, (Mr. HURLBUT,) that the question was one of the utmost importance, and he gave notice, that whenever it came to be acted upon, he should oppose and vote against *banks in every form*. He would make war upon them to the knife. He asked if gentlemen were prepared to let loose upon our State a flood of banks such as a constitution, like that of New York, would call into existence? The system is infinitely worse than the old system; for it opens a door to the creation of an endless number of banks. If *one* bank is mischievous, how much more so must a hundred be? Past experience has proved to us that in agricultural communities such institutions are a curse, and we have found that the small bills of the thousand and one banks in our country have materially retarded our prosperity. The first proposition that was presented, related to small bills. Now, every man must admit, that this description of circulating medium must drive specie out of circulation. If we prohibit the circulation of bank bills of a less denomination than twenty dollars, all business transactions and contracts of a less amount will be carried on in gold and silver. If we do not prohibit we must necessarily have an almost exclusive paper circulation. It was so in the section where he lived. Before the Ohio and Kentucky banks flooded his region with their ones and twos, specie was plenty,

but now the metals had almost entirely disappeared. He was for driving small bills out of circulation.[16]

Gentlemen had expressed a willingness to vote for referring the substitute to a committee; but he saw no impropriety in discussing it before it was sent to the committee, if it was to be sent at all.—We cannot expect the committee to report in such a manner as to meet the views of the Convention, unless full discussion is had in advance. He desired that the committee should enter upon their deliberations with all the light which a debate in this body could elicit.

He had often heard of well regulated banks, but he never knew one of that character. We have had in this State experience enough on this subject to have learned that they are fraught with disaster and ruin. We have had six banks, every one of which failed, involving the people in losses which millions of dollars would not repair, and now a proposition is brought forward to repeat the experiment on a grand scale; to establish a bank in every town and village, and deluge the State with paper money. If we desire a valuable and reliable circulating medium, we must, as all experience shows, exclude bank paper entirely.

He hoped that the discussion would proceed.

Mr. CAMPBELL, of Jo Daviess, said, that he had, on a former occasion, expressed his views in favor of a full, free and candid interchange of sentiment upon every and all subjects that might arise in that body; and he would not interpose an obstacle to a respectful consideration of every proposition that gentlemen might deem proper to submit. The gentleman from Boone (Mr. HURLBUT) has offered a resolution, the subject of which he (Mr. H.) desired to have investigated by a committee.—He (Mr. C.) saw no impropriety in the reference. He would vote for referring it, and he hoped that the committee would give it their attention. All that the people want on the subject of banking is light. Let us have light, and those opposed to banks have nothing to fear. As for himself, he was prepared to oppose banks in any form when the question should be properly and fairly presented, even though their advocates might "steal the

[16]On the question of banks and banking in Illinois, see Dowrie, *The Development of Banking in Illinois.*

livery of Heaven" to clothe them in. He hoped that the resolution would be permitted to go to the committee.

Mr. JENKINS thought the merits of the question should be discussed in the committee of the whole, where every proposition relating to it could be considered. When the question should come up he would oppose the creation of banks in any form. As at present presented, he was not disposed to discuss the merits of the question.

Mr. EDWARDS of Sangamon, said, that if gentlemen opposed to banks could not be converted, discussion would be useless, and a decision of the question upon the test offered by the resolution of the gentleman from Boone (Mr. HURLBUT) would settle the matter.

Mr. ARCHER was prepared to vote against banks in every form in which they could be presented, yet, out of courtesy, he was willing to give the resolution the direction which the gentleman from Boone (Mr. HURLBUT) desired. If the question was pressed, he (Mr. A.) would vote to lay the resolution on the table; yet he deprecated any attempt to stifle debate. He was for discussing, fully, this, as well as every other question. He hoped the resolution would be referred to the committee, and when it should come up again in a proper form he would be prepared to record his vote against it.

Mr. KINNEY of St. Clair, was also in favor of referring it to the committee. He hoped his honorable friend from Fulton (Mr. MARKLEY) would withdraw his motion to lay on the table. Other propositions relative to banks had been referred to the committee, and he trusted that this would also be referred.

Mr. KNAPP, of Scott, made some remarks against banks and banking, and urged the necessity of excluding the circulation of small notes.[17]

Without taking the question, the Convention adjourned till to-morrow morning.

[17] Mr. Knapp later sent the following correction to the *Illinois State Register*, which published it in its issue of June 19, at the close of the June 18 debates: "In your paper of Saturday you report me as having made some remarks against *banks and banking*, and as offering a resolution in favor of excluding from circulation small notes. Mr. MOFFITT was the gentleman who made the remarks and offered the resolution."

VIII. WEDNESDAY, JUNE 16, 1847

Mr. ECCLES, from the Revenue committee, reported the following:

Resolved, That the new constitution shall provide for a poll tax.

Mr. ROUNTREE moved to amend by adding, "Provided, that the power to lay a capitation tax by the Legislature be proposed as a distinct proposition for adoption or rejection, by the people at the same time and places at which the vote shall be taken on the adoption or rejection of the new constitution, and if it shall appear that at said election, more votes are given in favor of said proposition than are given against it, the Legislature shall at its next session thereafter provide by law for levying such capitation tax, and continuing in force a law for the collection of a capitation tax: Provided, however, that non-payment of such tax shall not disqualify persons who are otherwise qualified voters from enjoying the right of election."

Mr. SCATES opposed the levying of a poll tax. In supporting the government, respect should be had to justice. He thought that the principal [*sic*] of a poll tax was unjust. Its advocates contended, that all those receiving protection from government should render an equivalent for that protection. Why not then, tax females as well as males—they receive the same protection. Why not tax every class—Indians, negroes and every description of persons? It is idle to lay a tax when it cannot be collected. If you levy this tax, you must provide a means of collecting it, and that can be done only by issuing execution or by imposing the punishment of imprisonment for a failure to pay it. If you do not imprison, but merely resort to the ordinary civil remedy for the collection of debts, the proceeds of your poll tax will be absorbed in paying the costs of suits against delinquents. If imprisonment should be resorted to, is it expected that the public sentiment will sanction it? Is it proposed to withhold the elective franchise from such as have not their vouchers to prove that they

have paid the tax? Such a denial of privilege is inconsistent with the principles of equality and the freedom of elections.

It is a great mistake to suppose that the class who own no property do not bear a share of the public burthens. They do contribute to the support of the government and render an ample equivalent for the protection they receive from the laws and the institutions of government. They pay an onerous tax in the form of road labor, and this is a capitation tax amounting to from two to five dollars per annum. In addition to this they are liable to do military duty, and this is in its nature a poll tax. Is not this enough? Are they to be asked to pay fifty cents or a dollar more? In health they are willing to labor on the roads, and when their country calls, they are willing to engage in her service and march to the battle-field. They have been misrepresented by those who call them pensioners upon the bounty of the government. For his part he was opposed in principle to the scheme of easing the wealthy of such burthens of government as should properly rest upon them and transfer them to the poor.

As he before said if the tax should be levied it cannot be collected. The government may assess it, but it will be optional with the class which it is intended to reach to pay it or not. In the slave states there is a greater reason for such a tax. There the white head and negro head pay alike, and the rich man pays a hundred dollars poll tax where the poor man pays one. Here it is proposed to make the poor pay equally with the wealthy. In the imposition of taxes, he was in favor of a just rule of apportionment, and he would not have the wealthy relieved to burthen the indigent.

In what way is it expected that our debt is to be paid, but from our vast natural resources. Is it expected that it can be done by laying an assessment upon property? If it is proposed to raise a certain sum by means of this tax, let the same sum be raised by taxing property. This was what his constituents desired, not because they were unwilling to pay a poll tax, but because they believed such a tax unjust in principle. If the sum that is proposed to be raised by it, is all that is wanted, he could devise a wiser plan, viz: that of re-organizing the county governments so

that they may be administered at half the present cost; thus leaving a large balance in the treasury.

Mr. SMITH, of Macon, moved to amend the amendment by adding the following:

Provided, That the Legislature in exercising this power be limited to the sum of fifty cents upon the persons of all able-bodied men, between the ages of twenty-one and forty-five years, and the power not to be exercised after the present public debt of the State shall have been liquidated.

Mr. DAVIS of Montgomery said, that he could not agree with the gentleman from Jefferson, (Mr. SCATES,) who takes the ground that the proposed tax is wrong in principle. Every man owes something to the government from which he receives protection—the man who owns no property as well as him who does—and as a patriot he should be willing to pay it.

He was opposed to making the payment of the tax a prerequisite to the right of suffrage. He would do nothing to limit that right. He believed that no coercion was necessary to collect the proposed tax, the people would pay it without compulsion.

The gentleman from Jefferson says that the poor pay a road tax and are liable to do military duty. So do the rich. In representative governments where all are equal, and participate equally in the benefits of government, all ought to contribute to its support, in proportion to the benefits they receive; and he did not doubt that all would be willing to give a consideration for such benefits.

He knew that the people of his region were in favor of the tax, and if imposed, he doubted not that they would pay it. If now and then one should refuse, be it so—he would not fail to be held up to the contempt of the community, which would prove a powerful incentive to a compliance with the provision. He (Mr. D.) would support the last amendment.

Mr. WOODSON said, that his constituents were in favor of a poll tax. A vote was taken upon it at the election, and out of 1500 or 1600 votes, not more (as Mr. W. was understood to say) than 150 were against the tax, and out of the 150, at least 100 were property holders. This showed how the people of

Greene stood on this question, and he did not think they were more patriotic than the people of other counties. He believed that the whole people of the State, without regard to location, were in favor of the tax. If he believed with the gentleman from Jefferson, (Mr. SCATES) that the provision would be unequal, he would oppose it as strenuously as any member; but he thought it a just and equal tax. Will any man say that he, as an individual, is not as valuable as any other individual, though he may not be a property holder? All men, however humble, have a certain pride of character, and they would scorn the imputation of ranking in a lower grade than their fellow men. It is an error to suppose that, because a man is poor, he must be unwilling to contribute his just proportion to the support of the government. If a man is unable to pay the tax he would not exact it. All able-bodied men ought to pay it—the old and infirm and disabled might be excused.

Gentlemen say that the effect of the tax will be to take the burthens of government from the poor and impose them upon the rich; but he did not regard it in that light. The rich, who already pay high taxes, will also pay a poll. No burthen is taken from them, but rather one added to those already resting upon them.

He asked gentlemen to examine the question as patriots. Can they lay their hands upon their bosoms and justify themselves in returning to their constituents, without having done something to relieve the State of the odium of repudiation and non-payment which rests upon it? Are they prepared to go home, leaving the State burthened with her enormous debt, without having made any provision for its ultimate liquidation.

This proposition is not a novel one. In only two of the States is it prohibited. The constitution of all the other States either impose it or leave it open to the Legislature. Eight have provisions imposing it. Our constitution leaves it to the Legislature, yet it has not been levied. Politicians in the Legislature have had an eye more to popularity than the happiness, prosperity and glory of the State. It is high time that a different system from this was established, and it is the duty of this Convention to put forth its power to establish it.

This tax will yield a revenue of not l[e]ss than $100,000. There are in the State 126,000 persons liable to do military duty; and taking this as the data—which he thought was as correct as any—his estimate of the amount of revenue could not be much out of the way.

The argument of the gentleman from Jefferson, that the tax cannot be collected, is no argument against the principle involved in the proposition. It is (said Mr. W.) our duty to impose the tax, and it will be that of the Legislature to devise the means of enforcing its collection. But he saw no difficulty in collecting it. He was not in favor of stringent measures, neither did he deem them necessary. He would not resort to imprisonment, nor a restriction of the right of suffrage. The end might be attained by moral means. Moral suasion was more powerful than coercive enactments. That pride, which is inherent in human nature, will prompt the payment of this tax, if not from patriotic motives, at least, from that apprehension of being held up to the public scorn for delinquency.

To say that the people of Illinois would not pay this tax, was an imputation upon that patriotic devotion to the honor of the State and the nation, which prompted her gallant sons to march forth shoulder to shoulder to meet the enemy of our common country. Will any one say that these heroic men, who redeemed the honor of the State upon the battle-fields of Buena Vista and Cerro Gordo, will not as readily step forward and maintain her character in the financial embarrassments in which she is involved? He believed that they would, with the same power and in the same manner, come up to the work until our State should be free from the load of debt which oppresses her.

Mr. THOMAS moved to lay the amendments on the table. Carried.

Mr. NORTON proposed the following amendment:

"*Provided*, That no capitation tax shall be assessed against any person not entitled to vote under the constitution and laws of the State. And, provided, further, that said tax shall be set apart to the payment of the public debt, until the same be paid."

Mr. HARVEY moved the following amendment:

"That the 20th section of the 8th article of the present con-

stitution be omitted in the constitution, to be proposed for adoption by this Convention."

Mr. H. conceived that this subject should be left to the discretion of the Legislature. The constitution about to be formed may not be changed for many years, and no unnecessary restraints should be imposed. He was opposed to a provision prohibiting the levying a poll tax, but disposed to leave the question open to future legislatures.

Mr. WILLIAMS said that the Convention would make more satisfactory progress in business, by doing one thing at a time. He was of opinion that if the question were submitted to the people, they would provide for a poll tax, if so, this Convention ought, in reference to the public will. He thought that a direct vote should be taken, whether a poll tax is to be provided for or not; then we should know what we are to do. If the tax is to be levied, we can hereafter settle upon the best plan to pursue. If not, there is an end of the matter, and the Convention will not be disposed further to discuss it.

Mr. NORTON said, that he was opposed to the levying of a capitation tax but the character of such a measure will depend much on the manner and form of its assessment. He desired the original resolution to pass, with his amendment. If no law is to be enacted to enforce the collection of this tax, such a provision would be mere *advice*—a *subscription*, depending on voluntary payment. The only two modes of enforcing collection would be by imprisonment or withholding the elective franchise. He was opposed to either of these, and could not consent in any degree to sanction the imposition of degrading penalties upon citizens, because they might be too poor to pay the tax. The poor are the men to fight our battles, work our roads, sit on juries—the men who have carried the banner of their country to the battle-field, and conferred immortal honor on their State, at Beuna Vista and Cerro Gordo. To tax these men, and deprive them of the common rights of citizenship, on account of their inability to pay, is unfair, unequal and unjust.

Mr. DAVIS, of Massac, craved the indulgence of the Convention, feeling it due to himself to express his views on the subject. He replied to the argument of Mr. Scates, and denied that the

levying a poll-tax was unjust in its operation. It would be difficult to prove the correctness of such a position in a country like this, where every citizen enjoys the protection of the government, and participates in public affairs to an equal extent. He thought men who had displayed such patriotism as has been displayed by our people within the last year, will not shrink from so trifling a tax, which is necessary to save the credit of the State. He believed that at no time in our history, from the time when our fathers achieved the independence of their country at Yorktown, down to this time, have our people been wanting in that patriotism, which has enabled them, and will enable us, to meet every sacrifice required to advance the public good.

He could see no injustice in the proposition. If one man, by industry and frugality, acquires property, and another, in consequence of his indolence and vicious habits, remains poor, is there a reason why one should be burdened and the other released from all contribution for the support of the government, the protection and blessings of which they equally share? During the canvass for his seat in this body, he was often interrogated by both rich and poor, as to his opinions on this point, and he found few, very few indeed, who were not earnest in their desire that this provision, or one like it, should be incorporated in the new constitution.—Such a principle is incorporated in the constitution of every State, save two. Virginia, the great republican leader of States, which has given to the nation so many great men—the mother of Presidents, has stood in the front rank, and by the adoption of such measures as were necessary to preserve the public credit, has set an example which he hoped Illinois would follow. Could this measure be proved unjust and oppressive, he would oppose it; but believing it in accordance with principles of enlightened public policy, he approved it, and believed the whole country to be with him.

Mr. CHURCHILL said, that he was opposed to taking advantage of the generosity of the poor, to pay the State debt. He believed that for property protection, the rich were only benifitted, [*sic*] while for personal protection, the rich and poor were equal, therefore, he was opposed to the poll-tax. He would have

proposed an amendment, but the state of the question prevented, therefore, he would read it for the benefit of the house.

Resolved, That the committee on Revenue be instructed to ascertain the number of males over twenty-one years of age, in the State, and report a resolution to this Convention proposing to increase the revenue of this State, by a sum in dollars, equal to the number of white male inhabitants over the age of twenty-one years, by a direct tax on property.

Mr. KNOWLTON was in favor of the resolution, as it came from the committee, and proposed to dispose of the amendments, and let the vote be taken on the original proposition. His constituents were in favor of a poll-tax. He referred to the example of Massachusetts, which had a poll-tax of $1.50 each, the right of voting being withdrawn, on failure to pay. He always found the poor more prompt than the rich, in the payment of this tax. He believed that no citizen in Illinois was too poor to pay such a tax, and that the poor would, as they do in Massachusetts, feel a pride in paying this tax which would serve the end proposed. Mr. K. spoke eloquently of the patriotism of our people—their State pride; the determination of all to sustain the honor and credit of the State—as evinced in the patience with which they have submitted to every necessary exaction, and rushed forth, at the call of their country, to fight her battles, and sacrifice their lives in defence of her honor.

Mr. SINGLETON was also in favor of the original proposition. It was a simple one, and involved in it no difficulty; and should be settled at once. He was in favor of a poll tax, and knew that his constituents desired its imposition. He deprecated the dragging into this discussion the poor, the women and children. All men are originally poor; all equal. This equality is in a great measure destroyed by misdirected legislation and the customs of society. The object of the provision is to increase revenue. Property holders were willing to pay, not only on their property, but on their persons also, in the same manner as the poor. Let *property* pay—let *men*, each separately, without confounding the distinction which should exist between persons and property. He believed that this measure would embarrass none—that young men would cheerfully pay it. And there is a large class of men,

worthless in property and character, who are active in elections; who enjoy the elective franchise; who are under the control of politicians. Impose this tax upon such, and, though they pay none now, their taxes will be paid, if not by them, by those desiring the benefit of their votes. He believed with the gentleman from Massac, that three-fourths of the people are in favor of it. He wished the decisive vote to be taken on the original proposition, leaving the details to future action.

The discussion was continued with much animation by Messrs. THOMPSON, ALLEN and LOUDON, when the Convention adjourned till three o'clock this afternoon.

AFTERNOON

Mr. ARCHER made a forcible speech of some length against the tax, which we are compelled to condense. He said that in the county where he resided the people were opposed to the principle of a poll-tax. They thought that property constituted the just basis of taxation. It is true that government is instituted for the protection of life, liberty and property, and that all ought to assist in supporting it according to their ability, and he insisted that the poor contributed largely to it by paying a road tax, doing militia duty and juror's duty. As regards these taxes, the poor stand on the same footing with the rich—they pay and perform as much. He would not add a poll-tax.

Again, he would not enact a law which was not accompanied with proper penalties for enforcing an observance of its behests. If the payment of a poll tax is attempted to be coerced by taking away the elective franchise or by imprisonment, the people would revolt. He asked if the poor man was a fit subject for imprisonment? Should he be deprived of his right of suffrage? Any man who would propose it would be doomed to private life for the residue of his days.

Mr. A. here proceeded to show that our State debt, for the payment of which this poll tax was devised, was created by a class of speculators who expected to be benefited by the application of the money so borrowed, and that the poor had no part in its creation, neither would they have been benefited materially had the most sanguine expectations of the internal improvement

schemers been realized. We regret that we cannot give all of Mr. A.'s sound and interesting remarks on this head. We may do so hereafter.

Mr. PETERS addressed the Convention in favor of a poll tax. He thought it just. The object of government is two fold; the protection of persons and property. He asked if *property* should alone support the government, whilst *persons* went free. There is property in the free air of heaven, and those who breathe it ought to pay a tax when it is the air of freedom. He did not see any justice in throwing the whole burthen of supporting the government upon one class, whilst another enjoyed an immunity from all burthens. Persons without property have access to the courts of justice and participate in the blessings of government, why, then, he asked, should they not be made to bear part of the public burthens growing out of it.

Mr. P. advocated the tax, leaving it to the Legislature to enforce its collection.

Gentlemen say that if limiting the right to vote is resorted to, it will induce candidates to bribe the voters. This was in his judgment a lame argument. If it is so easy to bribe, could it not now be done at the polls by handing fifty cents to a voter.

He did not believe that penalties of any kind were necessary. The people had too much pride to refuse to pay the tax.

Mr. HAYES made a very animated speech in favor of the tax, which we have in manuscript and may publish it when we get more space. It was worthy of his distinguished talents.

Mr. GEDDES made a few remarks in favor of the tax. He said that in the course of the debate gentlemen had said that the people were already taxed four or five dollars in road taxes, yet they said that these same people could not be made to pay a tax of one dollar. They can be forced to pay five dollars but they cannot be forced to pay one dollar. Mr. G. proceeded to show that assertions that had been made on the subject of military duty were incorrect. He said that no military duty was exacted of any citizen in the State. We must defer the rest of Mr. G.'s remarks for want of space.

The debate was continued by Messrs. M'CALLEN, CAMPBELL of Jo Daviess, and PALMER of Macoupin, when the Convention adjourned.

IX. THURSDAY, JUNE 17, 1847

Prayer by the Rev. Mr. HALE.

Mr. BLAIR, a delegate from Pike, appeared, presented his credentials, and was qualified.

The question before the Convention being the amendments offered by the gentlemen from Will and Knox, the CHAIR stated that the amendment of the gentleman from Knox was then out of order, and it was withdrawn.

Mr. DAVIS of Montgomery stated, that upon consultation with some of the friends of the poll-tax they had concluded to move that the amendment now before the Convention should be laid on the table, which motion he would make before he took his seat. He would do so with a view to present the following, as a substitute for the original proposition: strike out all after the word "resolved" and insert "that the committee on Revenue be, and are hereby, instructed to report an amendment to the constitution so as to authorize the Legislature to levy a capitation tax, not to exceed one dollar, on all free white male inhabitants over the age of twenty-one years, when they shall deem it necessary."

He was in favor of this plan, because it left the subject of a poll-tax to the people. Gentlemen objected to a poll-tax because the people could not at any time change it. This proposed substitute would enable the people at any time to instruct their representatives to change or abolish the tax. He moved to lay the amendment of the gentleman from Will on the table; which was carried.

The question then recurring on the amendment, it was decided in the affirmative—yeas 87.

Mr. POWERS offered an amendment providing that no road tax should hereafter be levied in the form of a capitation tax.

Mr. DAVIS of Montgomery moved to lay it on the table. Carried.

Mr. WORCESTER offered a substitute, which the CHAIR ruled out of order.

Mr. DAVIS of Montgomery moved the previous question, which was seconded; and the question being taken on the adoption of the resolution, by yeas and nays, it was decided in the affirmative—yeas 108, nays 49.

The following resolutions, offered some days ago, by Mr. PRATT, together with the amendment, proposed by Mr. HURLBUT, thereto, came up:

Resolved, That the committee on Incorporations be instructed to report such provisions as will effectually prohibit the power of the Legislature to create or authorize any individuals, company or corporation, with banking powers in this State.

Resolved, That said committee inquire into and report to the Convention such provisions as are best calculated gradually to exclude from, and prohibit the circulation in this State, of bank bills under the denomination of twenty dollars.

Mr. HURLBUT's amendment:

"That the committee on Incorporations be instructed to inquire into the expediency of so amending and altering the 21st section of article 8 of the constitution, as to provide for a system of general banking laws, similar in principle with the propositions lately adopted in the State of New York."

The question being on the adoption of the amendment,

Mr. CHURCHILL moved to lay the whole matter on the table.

Mr. MARKLEY asked a division upon laying the amendment on the table, and the vote being taken by yeas and nays, resulted as follows:

YEAS—Akin, Allen, Anderson, Archer, Armstrong, Atherton, Blair, Blakely, Ballingall, Brockman, Bond, Bosbyshell, Brown, Bunsen, Butler, Crain, Caldwell, Campbell of Jo Daviess, Carter, F. S. Casey, Zadoc Casey, Choate, Cross of Woodford, Cloud, Dale, Davis of Bond, Davis of Massac, Dawson, Dement, Dunn, Dunsmore, Eccles, Evey, Farwell, Frick, Green of Clay, Green of Jo Daviess, Hatch, Hawley, Hayes, Heacock, Henderson, Hill, Hoes, Hogue, Hunsaker, James, Jenkins, Jones, Knapp of Scott, Kreider, Kinney of Bureau, Kinney of St. Clair, Lasater, Laughlin, Lenley, Logan, Loudon, McCallen, McCully, McClure, McHatton, Manly, Markley, Mason, Moffett, Moore, Morris, Nichols, Oliver,

Pace, Palmer of Macoupin, Palmer of Marshall, Pratt, Peters, Powers, Robbins, Robinson, Roman, Rountree, Scates, Sharpe, Stadden, Shields, Sherman, Sim, Simpson, Smith of Gallatin, Shumway, Thompson, Trower, Tutt, Vernor, Wead, Webber, West, Williams, Witt, Whiteside.—99.

NAYS—Adams, Canady, Campbell of McDonough, Cross of Winnebago, Church, Churchill, Davis of McLean, Deitz, Dummer, Dunlap, Edwards of Madison, Edwards of Sangamon, Edmonson, Graham, Geddes, Green of Tazewell, Grimshaw, Harding, Harlan, Harper, Harvey, Hay, Holmes, Hurlbut, Huston, Jackson, Judd, Knapp of Jersey, Kenner, Kitchell, Knowlton, Knox, Lander, Lemon, Lockwood, Marshall of Coles, Marshall of Mason, Matheny, Mieure, Miller, Minshall, Northcott, Norton, Pinckney, Rives, Swan, Spencer, Servant, Sibley, Singleton, Smith of Macon, Thomas, Thornton, Turnbull, Turner, Tuttle, Vance, Whitney, Woodson, Worcester.—60.

The question then recurring upon laying the original resolutions on the table; when a division on the first of them was demanded, and the vote was taken.

Mr. SHUMWAY, Mr. MANLY and others expressed themselves most emphatically opposed to banks in any shape whatever, yet they deemed a prohibitory clause in the constitution impracticable, they therefore voted to lay the instructions on the table.

Several gentlemen having expressed themselves as having voted under a misapprehension of the question and desirous to change their votes,

Mr. CALDWELL moved that the vote be retaken; which motion was carried. And the yeas and nays being again called resulted as follows:

YEAS—Adams, Anderson, Atherton, Blakely, Butler, Canady, Campbell of McDonough, Choate, Cross of Winnebago, Cloud, Church, Churchill, Davis of McLean, Dawson, Deitz, Dummer, Dunlap, Dunn, Dunsmore, Edwards of Madison, Edwards of Sangamon, Eccles, Edmonson, Evey, Frick, Graham, Geddes, Green of Clay, Green of Jo Daviess, Green of Tazewell, Grimshaw, Harding, Harlan, Harper, Harvey, Hatch, Hawley, Hay, Heacock, Henderson, Hill, Holmes, Hurlbut, Huston, Jackson, Judd, Knapp of Jersey, Knapp of Scott, Kenner, Kinney of Bureau, Kitchell,

Knowlton, Knox, Lander, Lemon, Lockwood, Logan, Loudon, McCallen, McClure, McHatton, Manly, Marshall of Coles, Marshall of Mason, Mason, Matheny, Mieure, Miller, Minshall, Moffet, Moore, Morris, Northcott, Norton, Palmer of Marshall, Peters, Pinckney, Rives, Robbins, Robinson, Swan, Spencer, Sherman, Servant, Sibley, Singleton, Smith of Macon, Shumway, Thomas, Thornton, Trower, Turnbull, Turner, Tutt, Tuttle, Vance, Webber, West, Williams, Whitney, Woodson, Worcester.—102.

NAYS—Akin, Allen, Archer, Armstrong, Blair, Ballingall, Brockman, Bond, Bosbyshell, Brown, Bunsen, Crain, Caldwell, Campbell of Jo Daviess, Carter, F. S. Casey, Zadoc Casey, Colby, Constable, Cross of Woodford, Dale, Davis of Bond, Davis of Massac, Dement, Farwell, Hayes, Hoes, Hogue, Hunsaker, James, Jenkins, Jones, Kreider, Kinney of St. Clair, Lasater, Laughlin, Lenley, McCully, Markley, Nichols, Oliver, Pace, Palmer of Macoupin, Pratt, Powers, Roman, Rountree, Scates, Stadden, Shields, Sim, Simpson, Smith of Gallatin, Thompson, Vernor, Wead, Witt, Whiteside.—58.

Mr. LOGAN said (when his name was called), that as other gentlemen had defined their position, he would do so also. If we were to have a bad system of banking or no banks presented to us, he would prefer to vote for no bank; for the present he would vote to lay this proposition on the table.

The question then recurred on the motion to lay the first of the resolutions on the table.

Mr. HARVEY appealed to the maker of the motion to withdraw it for a few moments, and it was withdrawn. Mr. H. then said, that the resolutions before them instructed the committee on Incorporations to report some mode of prohibiting the circulation of bank notes within the State, and he hoped it would not be laid on the table at present, but discussed. He made this remark at the suggestion of the committee. He understood that there was a great difference of opinion in the Convention, as regarded the proper mode of excluding paper from circulation, and he hoped the question would be discussed. And, inasmuch as there were several propositions of this nature before the Convention, some of them going so far as to make all contracts and transactions

based upon bank notes void, he hoped the Convention would decide upon the matter before it came before the committee.

The yeas and nays were then called, and resulted as follows:

YEAS—Adams, Anderson, Atherton, Blair, Blakely, Butler, Canady, Colby, Cross of Winnebago, Church, Churchill, Davis of Montgomery, Davis of McLean, Dawson, Deitz, Dummer, Dunlap, Dunsmore, Edwards of Madison, Edwards of Sangamon, Eccles, Evey, Frick, Graham, Geddes, Green of Clay, Green of Jo Daviess, Green of Tazewell, Grimshaw, Harding, Harlan, Harper, Harvey, Hatch, Hawley, Hay, Heacock, Hill, Hogue, Holmes, Hunsaker, Hurlbut, Jackson, James, Jones, Judd, Knapp of Jersey, Knapp of Scott, Kenner, Kinney of Bureau, Kitchell, Knowlton, Knox, Lander, Laughlin, Lemon, Lockwood, Logan, Loudon, McCallen, McClure, Manly, Marshall of Coles, Marshall of Mason, Mason, Matheny, Mieure, Movia, Nichols, Northcott, Norton, Palmer of Marshall, Peters, Pinckney, Powers, Rives, Robbins, Robinson, Rountree, Swan, Spencer, Sherman, Servant, Sibley, Sim, Simpson, Singleton, Smith of Macon, Thomas, Thornton, Trower, Turnbull, Turner, Tuttle, Vance, Webber, West, Williams, Whitney, Woodson, Worcester.—101.

NAYS—Akin, Allen, Archer, Armstrong, Ballingall, Brockman, Bond, Bosbyshell, Brown, Bunsen, Crain, Caldwell, Campbell of Jo Daviess, Campbell of McDonough, Carter, F. S. Casey, Zadoc Casey, Choate, Constable, Cross of Woodford, Cloud, Dale, Davis of Massac, Dement, Dunn, Edmonson, Gregg, Hayes, Henderson, Hoes, Huston, Jenkins, Kreider, Kinney of St. Clair, Lasater, Lenley, McCully, McHatton, Markley, Miller, Minshall, Moffett, Moore, Oliver, Pace, Palmer of Macoupin, Pratt, Roman, Scates, Stadden, Shields, Smith of Gallatin, Shumway, Thompson, Tutt, Vernor, Wead, Witt, Whiteside.—58.

The resolutions were then withdrawn.

Mr. ROBBINS presented a petition from citizens of Randolph, praying a constitutional provision exempting from execution a homestead of 160 acres of land, and moved to refer it to a select committee of five.

Mr. SCATES moved to refer it to [the] committee on Law Reform. Carried.

Mr. JONES presented a petition from Perry county, praying

equal rights and privileges to all persons, without distinction of color, and moved its reference to the committee on Elections and Right of Suffrage.

Mr. J. said, it was well known by these petitioners, as well as all others who are acquainted with my sentiments upon this subject, that I am opposed to the principal object sought to be affected by this petition. Nevertheless it comes from a highly respectable portion of our fellow-citizens—mostly, I believe, from the moral and intelligent denomination of christians called Covenanters.—They have a right to make their sentiments known in this body, and it is our duty to receive their petitions and treat them with respectful consideration.

Mr. SINGLETON moved that it be laid on the table till December next, one year. He extended the time for fear that we might overtake the matter.

Mr. WHITNEY trusted that the petition would be treated respectfully, and he hoped no such course would be pursued as that contemplated by the motion of the gentleman from Brown.

Mr. CHURCH thought that in the petition were presented some principles that would have to come before the Convention at some time, and he hoped the petition would be treated respectfully and referred.

Mr. PINCKNEY said, he was no abolitionist. That party he had always opposed, and they opposed him. They had tried to prevent his being here in the Convention. Yet he was willing to treat them with all respect. There were reasonable abolitionists, and they were as much entitled to be heard as any other reasonable men.

He was opposed to all gag laws, and was willing to hear the petitions, sentiments and views of every one. If that party could convince him that such a provision as that prayed for should be in our constitution he would vote for it. Gentlemen expected him to be and he was open to conviction on other subjects, and why not upon this.

Mr. KINNEY moved to lay the petition on the table.

Mr. LOGAN said, he supposed that a man might vote for a reference of this petition to a committee without being called an abolitionist. He had never had that name applied to him, and

he did not care if it should be. He would further say, that if you wanted to have an abolition party in this State, the best way to commence was by treating them disrespectfully.

The yeas and nays were demanded and they stood yeas 48, nays 110.

The petition was then referred to the committee on Elections and Right of Suffrage.

Mr. SCATES, from the committee on the Judic[i]ary, in obedience to the direction of that committee, reported to the Convention a resolution calling upon the clerk of the Supreme Court to inform said committee of the number of cases tried at each term of said court since 1840, and the number now pending and undecided; which resolution was adopted.

Mr. SHERMAN, from the committee on Finance, reported back a resolution that had been referred to it, in relation to the levying a tax on gold watches, jewelry, &c., and the appropriation thereof, together with all moneys arising from fines, to the school fund, and asked to be discharged from the further consideration thereof.

Mr. DAWSON moved that the resolution be referred to the committee on Education.

Mr. DAVIS of Montgomery made some remarks explanatory of the reasons why the committee had so reported, and

Mr. MARKLEY moved to lay the resolution on the table. Carried.

Mr. SCATES, from the Judiciary committee, reported back to the Convention the resolution which had been referred to it in relation to the election of sheriffs, &c., and recommended its rejection. The committee instructed him to do so, because they considered that the subject properly belonged to another committee. The report was concurred in.

Mr. SCATES, from the same committee, also reported back the resolution in relation to the abolition of the county commissioners' court, and asked to be discharged from the further consideration of the subject. The committee gave as the reasons of the report, that the subject matter of the resolution properly belonged to another committee.

Mr. CONSTABLE inquired of the chairman of the committee what committee it was deemed more proper to send this subject to?

Mr. SCATES. The committee on County Organizations.

Mr. CONSTABLE still thought that the Judiciary committee was the proper committee to inquire into the propriety of abolishing a court.

Mr. SCATES said, he would add that the committee had further instructed him to recommend the repeal of the 4th section of the schedule to the constitution.

Mr. LOGAN said, he was not present in the committee when they agreed upon the report just made, but he would have been in favor of it. He thought the abolition of the county commissioners' court was not in the scope of the Judiciary committee's duties. The court was not a court, except in name. It had no power to try an action, or jurisdiction of a case of five dollars. No indictments could be found; no other jurisdiction properly belonging to a court was given to it. It was nothing more than a mere fiscal agent of the county—opening and laying out roads, collecting and distributing the revenue; these were its only powers. Unless it was a court with judicial power, cognizance and capacity, he could not suppose its abolition was a proper subject for the Judiciary committee.

As regarded the abolition of this court, his personal opinion and feelings would be to retain it; but he was apprised that his constituents thought differently and he would represent them.

Mr. CONSTABLE said, that he had the greatest respect for what the gentleman from Sangamon chose to express on any question, but he must differ from him. In his opinion the county commissioners' court was as much a court as the circuit court. If that court was not a court, under what power did they issue writs of *ad quod damnum?* In all cases where the county was a party, that court was the first place where the subject was heard; and from its decisions an appeal could be taken to the circuit and supreme courts. He hoped, that in order that there might be no collision or jarring between the actions of the committees in relation to this matter, one committee might manage the whole judicial affairs. He could not see how the abolition of this court was the legitimate business of the committee on the Organization

of Counties, unless the court be abolished, and then they might, the county having no organization, propose some system. After some further remarks from Mr. C., and from Mr. MINSHALL in reply,

Mr. CALDWELL asked the chairman of the committee on the Judiciary, if his committee intended to take into consideration any provision for the future judicial affairs of the counties.

Mr. SCATES was understood to reply in the affirmative.

The report of the committee and the resolution were laid on the table.

Mr. SCATES, from the same committee, made a report, asking to be discharged from the further consideration of the resolution in relation to the establishment of tribunals for arbitration. The committee gave as a reason therefor, that there were, at present, laws in force creating such tribunals. The report was agreed to, and the resolution laid on the table.

Mr. SCATES made a report from the same committee, upon another resolution, asking to be discharged from the further consideration thereof; which was agreed to.

Mr. CALDWELL moved that the resolution be referred to the committee on Rights. Agreed to.

Mr. ROUNTREE moved to take up some resolutions, offered by him some days ago, and refer them to the committee on the Judiciary. Carried.

Mr. BROCKMAN moved to take up some resolutions, offered by him some days before, and that they be referred to the committee on Organization of Counties. Carried.

He also asked leave to withdraw some resolutions, heretofore presented by him. Granted.

Mr. WOODSON moved to take up some resolutions, offered by him some days before, and that they be referred to the committee on Education. Carried.

Mr. SCATES moved to take up certain resolutions, offered by him, and that they be referred to the appropriate committee. Carried.

Mr. LOCKWOOD offered several resolutions providing for constitutional prohibitions against selling lottery tickets and

granting divorces by the Legislature; and moved their reference to the committee on Legislative Department. Carried.

Mr. EDMONSON offered the following resolutions:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of abolishing the office of Probate Justice, in the several counties of this State, and giving to county courts power to do probate business.

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of abolishing the office of County Recorder, in the several counties of this State; and making the clerks of the county courts recorders for the counties.

Mr. CHURCHILL offered the following resolution:

Resolved, That the committee on Incorporations be instructed by this Convention, to report two propositions, to be submitted to the people for their direct vote. One of which shall eventually and effectually prohibit the circulation of all paper money as currency. The other, giving to the General Assembly power to pass, a restrictive general banking law; the resolutions to be embraced in the report.

Mr. McCALLEN offered a substitute.

Mr. CONSTABLE moved the Convention adjourn till 3 P. M.

Mr. VANCE moved the Convention adjourn till to-morrow at 9 A. M. Carried.

X. FRIDAY, JUNE 18, 1847

Prayer by Rev. Mr. GREEN, of Tazewell.[18]

The PRESIDENT laid before the Convention a letter from the clerk of the supreme court, answering the resolution of inquiry addressed him yesterday. His letter states that at the July term of that court in '41, the cases decided were 59; December term, same year, 92; July term, '42, 140; December term, '43, 119; December term, '44, 111; December term, '45, 171; December term, '46, 111; and now pending and undecided, 28.

Mr. SCATES moved to refer the letter to the committee on the Judiciary.

Mr. NORTON moved that 200 copies of the letter be printed for the use of the members. It was desirable that all the members should have the advantage of all the information that had been called for, and he considered the best mode of so doing would be to print the reports.

Mr. MINSHALL asked the object of the motion to print.

Mr. NORTON said the committee had called for the information, and he supposed had some object in so doing. If the report of the clerk of the court was worth calling for, it was worth printing. And the members should have every opportunity of examining and knowing the whole of the information, on all subjects laid before the Convention.

Mr. BROWN would like to know from the clerk of the supreme court, the number of cases appealed to that court from the circuit courts, and with a view of introducing a motion to that effect, he moved to lay the motion to print on the table; which was carried.

Mr. SCATES, in reply to a question put to him, said one object of the committee, in calling for the information, was to ascertain the amount of business done in that court, to enable them to form an idea of the necessary number of justices required to perform the duties.

[18] Henry R. Green, delegate from Tazewell County. See the biographical appendix.

Mr. HURLBUT stated similar reasons on his part, as a member of the committee.

Mr. HAYES, from the committee on Law Reform, reported back the resolutions which had directed them to inquire into the expediency of reporting a constitutional provision abolishing capital punishment, and asked to be discharged from the further consideration of the subject. He gave as the reasons of this report, that the committee had concluded the subject did not properly come under the duties of the Convention. The Convention had been called to amend the constitution, to distribute the powers of government among the proper departments and the remedying of grievances. The report was agreed to and the resolutions were laid on the table.

Mr. LOCKWOOD, from the committee on the Executive Department, reported back a series of resolutions which had been referred to that committee, some of which they recommended to be referred to other committees, and others with several amendments in relation to the constitution to the Governor, Lieut. Governor, &c.

Mr. CALDWELL moved that 200 copies of the report be published and that it be for the present laid on the table. Carried.

Mr. JENKINS, from the committee on the Division and Organization of Counties, reported back the resolution requiring that no new county shall be formed unless the same contain an area of 400 square miles, with an opinion that no such provision ought to be inserted in the constitution; and asking to be discharged from the further consideration of the same.

Mr. WEST opposed the report of the committee and their recommendation. He said that he had not proposed the resolution they had reported back, but had a similar one prepared and would have done so had he not been anticipated. The subject of retrenchment had been much discussed, and though he intended to make no speech about it, this proposition involved the principle. The session of the Legislature had been always prolonged by the business growing out of applications for new counties, and changing the county seats, which were got up and advocated by numbers of men who come down here to accomplish the object from personal and interested motives alone. We had come here for

retrenchment and reform, and in this particular, by abridging the length of the sessions of the Legislature, we would be carrying out that principle. A provision, similar to the one embraced in this resolution, had been adopted in Indiana, and no one who looked at the matter doubted its propriety. The people in his county had felt much interest in this matter, the subject had been agitated there, by these proposals to change county seats. He entertained the highest respect for the gentlemen composing this committee and had hoped they would give this resolution a full deliberation; they had no doubt thought they had done so, but he desired that they would again take the matter and give it a further examination, view it calmly and quietly, and information and facts would be afforded them that would, no doubt, incline them to a different opinion.[19]

Mr. JENKINS said, that because the committee had asked to be discharged from the further consideration of the resolution, it should not be presumed that they intended to give the subject of county division no further consideration. They would endeavor by some provisions hereafter to remedy the evils complained of

Mr. BROCKMAN said, the committee had not had the experience which members had who resided in small counties. He represented a small county, and when you come into it and have business with the county officers, you have to look for them every where, and why? Because we cannot afford to pay them sufficient to allow a man to remain in his office and attend to its duties. He must be engaged in something else.

In case of a reduction of the number of representatives what would small counties do? Small counties have to pay almost as much taxes for officers as large ones. Small counties would be entirely cut off in representation in the Legislature, and the people of them could not be sued. Every session there are petitions for new counties and the people's money squandered in legislating upon them.

Mr. DAVIS of Montgomery said, that he hoped this subject would be referred again to the committee, or to a select or any other appropriate committee. What scenes would be witnessed

[19] A longer account of West's speech may be found in the *Sangamo Journal*, June 22.

here every year, when these petitions come before the Legislature on this subject, asking for new counties. Fifty or sixty persons came down here and hung round the Legislature at every session, begging and endeavoring to carry through some one or other of these measures; they were round the committee on Counties, and affidavits upon affidavits were spread before them, with their petitions. Every one knew how they were obtained, and by what sort of persons.

There was but little difference between the expenses of small counties and those of large ones and the less the number of counties, the less expense it would be to the State.

This was an evil which the people were everywhere alive to and he hoped the Convention would put a stop to it. He hoped the provision requiring the 400 square miles to the county would be adopted. In nine cases out of ten the petitions for these new counties were got up by men looking for the county offices to be created; or by men who were anxious to have the county seat located on their land, thereby increasing its value. Indiana had a provision of this kind in her constitution, and if he was not mistaken, Missouri also had one. No one there complains of it, and every one admires the system. We already had one hundred counties, and it would be much better if we had but sixty.

He hoped it would be adopted.

Mr. DAVIS of McLean, agreed with the gentleman last up. This was of the greatest interest to the people of the region he came from. On no subject were they more united than upon this. No evil greater than this do they require this Convention to correct.

Gentlemen cannot deny that great evil grows out of this system of creating new counties every year. Indiana had a provision against it. Ohio, too, had one, and he believed the area was larger in those States than 400 miles. There, every county is respectable, and there are not those complaints about taxation.

The amount of taxation in large counties for the county expenses was less than in smaller ones. Sangamon paid less than Macon. These petitions were always the work of interested persons. He was in favor of a prohibition against new counties being formed with the area less than 400 miles, and also that the

county from which it should be taken should not be left smaller than that. The attention of the people had been directed to this question, and it was a serious one. By adopting this, weeks of legislation would be saved. Since he had been in the State, a great amount of the time of every Legislature had been wasted upon this subject. The Legislature that met two years ago performed a crowning act by creating no new county, the first time anything of the kind had occurred. He moved the resolution be recommitted to the committee with the following instructions.

"To report a provision, to be inserted in the constitution, that no new county shall be established by the General Assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to less contents than 400 square miles; nor shall any county be laid off of less contents, or any line of which shall pass within less than ten miles of any county seat already established."

Mr. THOMPSON was surprised, when economy, retrenchment and reform were the order of the day, that anything of this kind—the creation of new counties—should be heard in the Legislature. He was in the Legislature some years ago, and there was a universal feeling to arrest the further sub-division of the counties; some little arrangement took place between Scott and Morgan, which created some local feeling in the Senate.

The State of New York had only 58 counties; some of them had population enough to send a member to Congress. Pennsylvania, too, was of nearly the same area, and the same number of counties. I was born in a county which was entitled to two members of Congress, six Senators and sixty representatives; in an evil day they were induced to cut it into three oblong parts, and the expenses were tripled if not quadrupled.

I have the honor to represent a county of good size, and the people are so tenacious of their land that they would not part with a single foot of it.—If contiguous counties have any desire to be attached to us, we are willing to receive them with open arms. But before we part with a single inch of our land, we would, Hotspur-like, quibble on the ninth part of a hair.

Mr. JENKINS. The committee intended to incorporate into some report, something in relation to this matter, at another time.

He had not said a word about retrenchment, though others had. The people do not expect us to retrench by restraining them in their privileges. We have no right to restrain them in petitioning for a new county when they deem such necessary. We have no right to bind them down to silence by saying there shall be no new county unless it contain an area of 400 miles. Gentlemen had said that the petitions for the division of counties were always got up by men with interested or dishonest motives. He admitted that this might occur, but were they to presume that all men who had a part in such questions were dishonest, and that they could cheat the people? No, sir, the people are not so stupid—they are not so easily cheated. If they were, they would not be capable of self-government. What, then, becomes of the great principle of government? When the people petition for a new county we must presume that it was got up fairly. What would you say of elections, because there may be dishonesty at one, must we presume all elections are but schemes of cheating?

Territory is not the basis of the organization of counties, but population is the proper one. Suppose a case, where the territory is 20 miles square, with a population of 1,000, and then a territory of 18 square miles, with a population of 20,000; the former may be made into a county and the latter cannot. This would not be fair, and the basis would be unjust.

He had never seen a small county unable to get officers, or desire to be attached to a larger one. Are we, he asked, to have our counties organized only with a view that the officers may get rich? The people have a right to petition to be organized into new counties, when they do not injure another. This principle perhaps might have been proper when the State was first organized, but our State being so divided, as regards timber and prairie land, the people have a right to petition to be organized into counties with a view to their advantages. He hoped the report of the committee would be adopted. He would repeat again that if the people were not to be trusted with a right to petition for a new county when they desired it, for fear they might be cheated, they were not capable of self-government. The committee intended, when they made the report, to have asked that some alteration might be made in the shape of the question.

[Mr. WEAD said, that he understood we had adopted a rule, a few days ago, that committees should not report the *reasons* for their decisions, in writing, but the distinguished chairman of the committee on Counties had thought proper to take a different course, and had reported the reasons which governed the committee in making the report which had just been submitted. Those reasons being now before the house, were a legitimate subject of investigation, and deserved to be examined. The honorable chairman had reported, as a reason for the action of the committee, that large cities may hereafter arise in the State and desire to be incorporated into separate counties, and they ought not to be denied that privilege. Mr. W. did not see any connection between the gentleman's premises and his conclusion. Large cities might desire to be set off into counties, therefore, no provision ought to be inserted in the constitution to prevent the destruction of old counties, or the creation of new ones with a less territory than 400 square miles. He did not see the point, the pith, of his argument.

But the honorable gentleman, for whom Mr. W. entertained great respect, in his *speech*, had abandoned the reasons contained in his report, and now sought to fortify the action of the committee by other reasons. What were those reasons? It was said, to fix the size of counties in the constitution is to deny to the people the right of petition. Let us look at this argument. We are about to limit the powers of the Legislature so that it shall not have power to pass any special acts of incorporation. Some man desirous of such a privilege may object to the constitution, because it will destroy the right of petition! Again, we are about to provide for creating a Governor, but according to the gentleman's logic, the people will complain, because they are denied the right to petition against the creation of such an office. Some man may think we ought not to have a judiciary, and he, too, will complain that we have denied the right of petition.—He was willing to submit these statements to the people and abide the result.

Are counties to be made only for the accommodation of a few people? Are cities, towns, villages, to have the right of organizing new counties at pleasure? Gentlemen contend that this is a matter for the people in given limits to decide; why, then, ask the

Legislature to create new counties? But, Mr. President, the creation of new counties is a measure of State policy and government, for the convenience of the whole people, and not for the convenience of a few men. The State has to furnish a court for each new county and pay the expense, to furnish laws, open new books and new accounts with them. The expenses of the State depend much upon the number of counties. In the great State of New York they have but 56 counties, and in Pennsylvania only 58. Have gentlemen ever heard complaint that these powerful States did not get along well enough with large counties?

But to leave this matter open is to leave a great and important principle undetermined. Counties are continually agitated and the people excited upon questions of division. Interested speculators and designing men, in order to accomplish some sinister object, are continually setting such projects on foot, and they uniformly beget ill-feeling, suspicion and difficulty. In many instances the people, oppressed with enormous county taxes, are induced to sign petitions for division, in the hope of obtaining relief. But when the new county comes to be organized, and they are called upon to defray the expense of new county buildings, and support a new set of office-holders, they speedily abandon all hope of relief. The truth is, the high county taxes and burthens arise from our defective system of county government, and the people can obtain relief only by abolishing the county commissioners' court.

Again, men settle in large counties for motives of interest and pride, they invest their property upon the implied faith that the county shall not be shorn of its power, or its influence lessened. Have these men no rights as well as the majority? It may be that a large majority of the property holders and taxpayers of a county may be opposed to a division, ought they to be compelled to pay the additional expense of supporting a new county at the will of a bare minority?

As long as this question is left open the Legislature will be continually harrassed with applications to divide the large counties, and the time of its members will be consumed in listening to the petitions and remonstrances, instead of attending to the general welfare of the people.

In every point of view, then, this question ought to be finally settled. It will relieve the people of the large counties from a load of doubts and fears, and put at rest, forever, the hopes and anticipations of a large number of restless and ambitious speculators.

So long as the counties are large they will have weight and influence commensurate with their population and wealth; divide them and you will strip them of their power.

Mr. W. said he gloried in being one of the representatives of a large county, one whose population was exceeded by but two or three in the State, and who paid into the State Treasury a larger sum than any other in the State save one. He should regret to see that county divided.][20]

Mr. MARKLEY. I move to amend the instructions so as to read "inquire into the expediency of &c."

Mr. PALMER of Macoupin said, that this question was one of some interest to the people in his county and he desired to express his views upon it. He only claimed to be the representative of a single county. The people of that county were nearly equally divided on the question. He admitted the right of the people to be heard on this and every subject, but the Convention had a right also to make such laws as appeared to them the best. He thought the subject a local one, and not a question of State government, and should only interest the counties concerned. He was in favor of re-commitment of the resolutions and that the committee should wait till they had heard other propositions, which might be presented by gentlemen, and when they had seen them and contrasted them one with the other they would be better able to speak of the question. It was true that something should be done; but they had better wait and hear all the propositions that might be offered on the subject.

He was personally opposed to the resolution before them, as were many of his friends, but he was the representative of the county—a single county, and not of the whole State, as other gentlemen claimed to be—and should vote as he considered best for the interests of that county.

[20] The full report of Wead's remarks, as printed in the weekly *Illinois State Register* of June 25, is here substituted for a brief general summary.

The subject involved in the debate was not of a general character, but of a mere local nature. It had been his misfortune since he had been there, when he had been advocating the interest of his own county, to differ from the majority. While he admitted that these petitions for new counties were got up by dishonest men and speculators in town lots, he did not believe that such was always the case; and where a case arose where a division would be proper, he thought the people should have the right to petition the Legislature in the matter.

Mr. JENKINS inquired of the Chair whether there was any rule forbidding a committee when reporting to give reasons. He saw no such rule on the list before him.

The CHAIR replied that there was, but it had been adopted after the rules had been printed.

Mr. MARKLEY withdrew his amendment.

Mr. LOGAN offered the following amendment to the instructions:

"And that no county shall be divided, or have any part thereof stricken off, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county shall vote for the same."

He thought the Convention should now decide the question.

Mr. GEDDES offered an amendment to the amendment.

Mr. WEST read an amendment, which the Chair ruled to be out of order at the time.

Mr. SINGLETON said, he had come there to represent the interest of his constituents. He had come, not to consult their will but their interests. They would exercise their will themselves. He scarcely ever got up to address the Convention, but what he could read in the countenances of gentlemen, speeches upon retrenchment—about the consumption of time. He did not care if it should occupy a month in discussing a question when he thought it demanded it. He thought the restricting the formation of new counties the best step in retrenchment. They did not see the dollars uppermost but they were in the back ground. The question of creating new counties had occupied much of the time of the Legislature. The resolution which had been before the Convention [had] originally come from his colleague, and the people of

their county are much interested in the subject.—The people had shown their opposition to the creation of more counties, and it was high time a stop was put to it. It was never too late to do good.—We are making roads every day, and we do not want the county seats changed or county lines altered. This matter costs the State every year $10,000, and he looked upon it as a most important item. It was a very little object what amount of time was consumed in the discussion of this subject; but when a man gets up here he is almost frowned down. What were they to do? When one of them should go home to his constituents, and they should ask him why he did not resist this or that proposition, must he say, "why, it was unpopular in the Convention to make speeches, and I let it pass"? This was a perfect cut-throat policy.

Mr. DAVIS, of Montgomery, said, he was in favor of the area being fixed at 400 square miles.—This would, if the counties were all of that size, still allow them 140 counties. But he would be in favor of changing the instruction, so as to have the line to run within six miles of a county seat, if that would suit the gentleman who offered them.

Mr. DAVIS, of McLean. Never in the world, sir.

Mr. D., of Montgomery, resumed; when

Mr. MARKLEY called him to order, as he had spoken before on the subject, and could not now if any other gentleman desired to speak. No member offering to speak,

Mr. DAVIS said, that he would call the Convention to witness that he had never spoken more than fifteen minutes at a time, that he always spoke to the point and no more, and that if he violated any rule of order he did it unintentionally.

He considered that the people of the whole State were interested in this matter. The State expenses were increased with every new county. He did not view it in the same light with those gentlemen who spoke of the right of petition. We had come here to act in relation to the judiciary and Legislature, in both of which the people had an interest, and certainly by so doing they never thought it was depriving them of any rights.

Mr. CHURCHILL wished to offer some homely, farmer-like reasons upon the subject. The county seats were often situated upon small streams, and it was frequently more convenient for

people to transact their business on the banks of those streams than in the interior. He was opposed to any law governing the location of the county seat. He might also speak of the prairies. Mr. C. then read a series of resolutions on the subject, which he would have offered if in order at the time.

Mr. TURNBULL made a few remarks and then the Convention adjourned till 3 P. M.

AFTERNOON

Mr. GEDDES withdrew his amendment.

Mr. LOGAN rose to explain the purport of his amendment. It was not a substitute for the original instructions, but an additional one. The State of Illinois now had one hundred counties (and a population of 700,000,) nearly double the number New York had. She with a population of over two millions had but fifty-six counties. Pennsylvania had fifty-eight counties, and they were found sufficient for the administration of justice and the management of business. Our Legislature had been continually increasing the number of counties, sometimes with not more than 1,500 or 2,000 souls in the county. The expenses were always increased by the formation of new counties, court houses to be built, officers to be paid, commissioners to be paid &c. There is danger that the Legislature will go on increasing the number, when there are now counties that have not sufficient revenue to pay the interest on their debt. The resolution reaches the desired object to some extent but not entirely. Even with this provision it will not prevent an increase. Four hundred square miles is a small county. Bond is a small county but it has timber and prairie land, and being well settled is very well. As the matter stood at present they might reduce an old county to a size which would not accord with the views of the people of that county.

His amendment guarded against this. Suppose an old county, depending on the resources of the whole county, should build a large court house and other buildings, and there was a proposition to divide it, should the people of that county not have a right to say whether they were willing to divide or not?

Mr. L. then reviewed the manner in which the petitions for a division of the counties were generally prepared, and urged the

adoption of his amendment. He concluded by saying, that he felt he was incurring no risk in saying that he was unwilling to give the Legislature no power to divide his county, without giving the people of that county the privilege of saying whether they desired the division or not.

Mr. MASON said the question before them was, shall 400 square miles be the area of all new counties to be hereafter formed. He was a member of the committee who had reported against this resolution, and he proceeded to give the reasons which had governed the committee in reporting against the resolution.

He stated that the committee had not acted hastily in the subject, but had given it much deliberation; they had thought it better to reject the area of 400 miles because it interfered with the townships, and there might be counties that would not contain that amount of territory, and yet would be fully entitled to organization.

He continued this question at some length, and urged that population and not territory was the proper basis.

Mr. DAVIS, of Massac, begged the gentleman from Sangamon to withdraw his amendment, and allow him to offer a substitute for the whole; which was done.

Mr. D. said, that these propositions continually coming before the Legislature for the division of counties was a prolific source of evil. He had drawn up a substitute for the original instructions, and in doing so, had an eye to the constitution of Tennessee, in which was a clause of the same nature as the one now proposed. He had copied his substitute from that, making only such alterations as were necessary under the circumstances. The constitution of Tennessee says, the boundary line shall not run within twelve miles of any county seat; he had substituted ten in his.

That constitution says that two-thirds of the General Assembly shall concur in making the division: in his substitute he had left the matter to the people of the county, and not to the Legislature.

It had been argued that there should be no constitutional provision restraining the people in this question of dividing counties. Almost every State in the Union has thought it proper to restrain, by constitutional provision, the forming of new coun-

ties *ad libitum*. The constitution of Indiana asserts a general principle only, in relation to this matter. The constitution of Ohio provides that no new county shall be formed with a less area than 400 square miles; that of Tennessee limits the extent of territory at 350 square miles. And most of the States of the Union have similar provisions. And then the injustice of these changes of the county seats: a man buys land near the county seat, and pays more therefor than he would were the county seat not there, and the Legislature a few months afterwards moves the county seat, is it not an act of great injustice to that man? It is, and should not be tolerated, unless the people of that county had desired it. He should speak of those persons who got up petitions and come down here about the Legislature, hanging upon members to have divisions made, but others had said every thing required, and it needed no enforcement.

Mr. D. then read some extracts from the constitution of Tennessee in relation to the subject.

Mr. LOGAN said, he was afraid he had got himself into a scrape by withdrawing his amendment to enable the gentleman to offer his substitute. He was ready at any time to do almost anything any person asked him, but he would like very much to have the matter as it was before.

Mr. DAVIS then withdrew his substitute, and the amendment of Mr. LOGAN was renewed.

Mr. BLAIR addressed the Convention at some length in support of the restriction.

Mr. CALDWELL offered to add to the amendment a proviso, that nothing therein should affect counties already created.

Mr. BROCKMAN moved to lay the proviso on the table. Carried.

Mr. KENNER offered an amendment to the amendment.

Mr. MARKLEY moved to lay the whole subject on the table—yeas 38, nays 113. Lost.

The amendment to the amendment was then laid on the table.

Mr. DAVIS of Montgomery moved the previous question, which was seconded.

Mr. McCALLEN (by leave) said he was a representative of a small county and much had been said about them. The people

in his county were patriotic enough to take the offices, no matter how small the salary. A gentleman had said that the delegates from large counties brought with them to conventions like this, more weight, respectability and dignity than those of the small counties. If so, he wanted his county raised to the dignity standard.

The amendment was then carried and the instructions as amended were adopted.

Mr. DEMENT, from the committee on the Legislative Department, reported a resolution praying instructions to provide an amendment to the constitution, limiting the number of the General Assembly to 100 members;—25 senators and 75 representatives; and that they should divide the State into districts upon the basis of the census of 1845, their pay to be fixed at $2 per day and the sessions limited to 60 days, and to hold their sessions once in 2 years.

Mr. WORCESTER moved to strike out 25 and insert 20; strike out 75 and insert 60.

Mr. SCATES moved to strike out 60 and insert 40.

Mr. Z. CASEY was in favor of the lowest number named. He was for economy, retrenchment and reform, in the proper sense of those words. We should incorporate it into every branch of the government.

The great reform must be made in the legislative department; to that branch we trace all our evils. If we had had no Legislature for the last twelve years we would now be a happy and prosperous State. He had lost all confidence in an Illinois Legislature. If we reduced their number to 20 in the Senate and 40 in the House, one session in two years, and then to be limited to sixty days, their per diem fixed unalterably in the constitution, then we would have a business body. We would then be spared the curse of all Legislatures—local legislation. It might be said that the number was too low for the dignity of the State. This was not so. He would compare the numbers 20 and 40, and our population with the number of the General Assembly of New York, with a population of 2,650,000. In the Legislature of that State there were, in the House, 158 members, and 32 in the Senate. Our representation, in proportion to the population and upon the same ratio,

would be 27 in the House and Senate in proportion. In no way could we insure economy and reform so well as by incorporating such a provision. He would rather give one vote for such a proposition than make twenty speeches on retrenchment.

Mr. MINSHALL said, he did not know whether he should vote to strike out or not. He was much surprised to hear the motion to strike out 75 and insert a smaller number. He had always been taught from his youth that the House of Representatives—the popular branch—should be large; not so large as to be unwieldly [*sic*], but sufficiently large to avoid corruption. Illinois was always running from one extreme to the other. Forty is a very small number, and he thought the House should be large. They might make the Senate as small and aristocratic as they thought proper, but leave the House large. The gentleman had said he had lost all confidence in an Illinois Legislature. He would ask him if a small body of 40 could not more easily be corrupted than a larger one? He was willing to agree with the report of the committee.

Mr. WHITNEY advocated the report of the committee, and the number fixed by them.

Mr. KITCHELL was in favor of the report of the committee, except so far as related to districting the State. This, he thought, should be left to the Legislature.

Mr. ROUNTREE advocated a larger number than recommended by the committee.

Mr. HARVEY thought the number fixed by the committee was about right. If the number should be fixed at 40, every representative would have a constituency of 20,000 persons; if fixed at 75, he would have something over 10,000.

Mr. DEMENT said, that the committee had carefully weighed all the proposed numbers to constitute the Legislature. They had estimated the proportion of the population to each representative, according to the various numbers that had been submitted, and had, after due deliberation, and a careful enquiry into the many difficulties attending a smaller number, agreed upon what had been just reported. He continued this branch of the subject at much length. He also said that the cost of the State for the pay of the members and officers of the last Legislature had been

$69,000; add to this, $1,800 for stationery, and some $230 for fuel, and it carried it over $70,000. The plan proposed, at $2 per day, and limiting the sessions at 60 days, the pay of the members and officers would amount to $11,778, a saving in this item alone, of $58,900. By fixing the pay of the members at $3 per day, the highest amount he had heard mentioned, there still, by adopting the other reforms proposed by the committee, would be a saving of $53,500; and this was not a small amount.

Mr. D. continued the subject at considerable length, but owing to the late hour at which the Convention adjourned we are unable to insert a more extended report of his remarks, which were listened to with great attention.

The Convention then adjourned.

XI. SATURDAY, JUNE 19, 1847

The question pending at the adjournment yesterday was on striking out the words "twenty-five" and "seventy-five" in the resolution reported by Mr. DEMENT from the committee on the Legislative Department. This resolution provided that the General Assembly should consist of seventy-five representatives and twenty-five senators.

Mr. ARCHER said that he was constrained to concur with the committee and oppose the amendment. He was aware that the people were in favor of a reduction of the number of representatives, but he believed they were not prepared to sanction so great a reduction as that proposed by the gentleman from Jefferson, (Mr. SCATES). He had great respect for the opinions of that gentleman, but he thought he (Mr. S.) was in advance of the public sentiment.

Small bodies are more liable to corruption than larger bodies, whilst the latter are liable to prolong the sessions of the General Assembly and subject the State to heavy expenses. He thought these two extremes should be avoided, and that the number suggested by the committee was a proper medium between the two. He would rather have the General Assembly too large than too small, for the reason that popular liberty was the safest in the hands of a numerous representation.

The State of New York had been referred to as an example, but he thought it was not applicable to our condition and State organization. In New York the population is more compact, and the number of counties much smaller than in Illinois. If we follow their example, one member will represent four or five counties, thus placing the representative at too great a distance from his constituents, which he thought was impolitic if not dangerous.

If the number recommended by the committee is adopted, a reduction of sixty-two members will have been made, which reduction, he thought, was all that the people expected or desired.

He thought that each county should have a representative, so that he may be acquainted, not only with a part, but all his constituents, and faithfully represent their interests and reflect their will.

Again, it is impolitic to go from one extreme to another. Heretofore the General Assembly had been too large, and delay and excessive expenditures have been the consequence. Now it is proposed to reduce the number to sixty. He thought that the people were not prepared for so sudden and momentous a transition.

Mr. DAVIS of Montgomery said, that he thought the number proposed by the committee was too small. The great cry has always been that the Legislature was too large, and to this cause has been attributed many, if not most, of the evils which were known to exist. But this was not the source of these evils. They proceeded from the excessive power given to the Legislature. Mr. D. then spoke at some length about candidates for office and individuals seeking favors of the Legislature, hanging about the lobbies and consuming the time of members, and entangling them in schemes for individual benefit, to the detriment of the public interests. Let these things be guarded against and there will be no complaints about delay and expense.

He hoped that there would be a county representation, so that the larger counties could not overshadow the smaller. The organization of the United States Senate was based upon this principle. If, said Mr. D., New York, Pennsylvania and Ohio, had a representation in the Senate according to their population they would almost have the entire control of the Union. He asked if it might not operate in some such way here, if the representation should be based upon population alone. Could not the larger cities and towns on the lakes and navigable rivers overshadow the less populous and more humble neighboring counties?

We should have an eye to the future as well as the present. In 1840, we had 250,000 inhabitants; in 1845 we had 700,000. Is it right to fix the apportionment to suit these counties that are settled, leaving those that are not settled unprovided for. He was opposed to giving large counties an undue and unjust power over smaller ones, and he advocated a larger number than that recommended by the committee.

Mr. DALE said, there was so great a difference in the views of

gentlemen, as to the number of which the General Assembly should consist, varying from 80 to 120, some members desiring even greater numbers than these, and some less, that the committee, by way of conciliation, adopted a medium number and reported to this convention the number of one hundred.

The last General Assembly having been composed of 162 members, the reduction to one hundred, as proposed by the report, would be a reduction of more than one-third of the number which composed the last General Assembly.

This is, indeed, a great stride in the system of retrenchment; and if this number should be adopted by the Convention, as also the recommendation of the same committee as to the pay of members of the Legislature, there would be a saving to the State, at each session of the Legislature, of near sixty thousand dollars; a sum, which though small, yet if properly expended, would go some way towards retrieving the credit of the State.

But though the saving, by this retrenchment of the number in the General Assembly, should be large, yet if this saving is effected, by losing sight of, or trenching upon the first principles of representative republics, it were a saving of doubtful expediency. In the legislation of these governments the views, wishes and feelings of the people should be *fully and properly* represented. This can be done only by allowing to each county at least one representative.

The intercourse and acquaintance of the people with each other are, most generally, limited and bounded by county lines. They attend at the county seats of their own counties, courts, meetings, conventions, &c., and by constant intercourse and interchange of views and sentiments, they so assimilate, that frequently county lines are the lines of opposite views, habits and wishes.

In order, then, to a proper representation, each county should have its representative. Our State, however, is, unfortunately cut up into small counties, that such a representation might be considered unwieldly and burthensome; and as it is highly probable that no larger number will be adopted by this convention, and as the division between the two houses, of the number reported by the committee, seems to be in proper proportion, he should sustain the report of the committee. But, at the same time, he would say, that when this matter comes properly before the people, and

those counties which, under former apportionments, were always entitled to a separate representative, shall, to elect one representative, find themselves attached to smaller counties, and those smaller counties shall find their votes swallowed up in the votes of the larger counties, there will be complaint.

As, however, an amendment may hereafter be made, provid ng for an increase of this number when the people may vote for such an increase, he would forego his wishes and feelings and vote in favor of the committee's report .

Mr. BROCKMAN said, that he was opposed to the amendment. He advocated a large representation. Every county ought to have a representative. He thought that the Convention should have an eye to those who should come after us. Geography, said Mr. B., does not present a richer valley than that of the Mississippi, and there is no State in that valley equal to Illinois. It possesses a variety of climate and soil unparalleled. It has also a variety of interests which must be attended to, or we shall descend into an aristocracy.

We have a State capable of sustaining a population of 18,000,000. Massachusetts had a population of ninety souls to the square mile. In the same proportion Illinois would sustain a population of 5,000,000. Is the number proposed by the amendment sufficient to represent 5,000,000? Would one representative to 60,000 or 70,000 souls be sufficient? By this system one member would represent six or seven bodies corporate. It has been proposed to increase the number of county commissioners, because three men cannot do the business, yet in the same breath it is proposed to lessen the number of representatives. He saw no propriety or wisdom in this.

If each county shall not be provided with a representative, none but lawyers can get into the Legislature. They travel from county to county, and possess facilities for extending their acquaintance, which are entirely out of the reach of farmers and other classes, whose pursuits confine them at home on their farms and in their shops. If each county is allowed a representative, individuals, other than lawyers, can find their way to the Legislature, for they will be well known throughout their own county.

Mr. McCALLEN advocated at some length the adoption of the county representative system.

[Mr. McCALLEN said he did not rise to inflict a speech upon the Convention, but briefly to give his views upon the matter now under consideration, for he regarded it as being a subject of momentous import to the welfare of the people. It seemed to be the disposition of every gentleman in the Convention to carry out what they were pleased to term retrenchment and reform. He would be sorry to doubt the sincerity of gentlemen; he was disposed to attribute to them the same honesty of purpose, the same generosity of motive which he claimed for himself. But, continued Mr. McCALLEN, are they not mistaken in the means by which this economy and this retrenchment are to be brought about?

It seems to be the disposition of the majority, to leave all the important questions which are discussed here open for the decision of the people themselves, or for the future action of the legislature. What, sir, was it that caused the people to call us together? Was it not to settle these questions? To settle and determine principles at least? Why then will not gentlemen take the responsibility of settling those questions which they were sent here to determine; and embody them in the constitution? Gentlemen have assembled here to remedy certain evils, yet they seem most anxious to shift the responsibility from their shoulders, for fear, perhaps, that they might not be able to return again.

With all due deference to the Hon. member from Jefferson, (for there is not a member in this assembly who has a more exalted opinion of his patriotism, and his distinguished talents, than I have; but is not the gentleman as liable to err as some of the rest of us?) I entirely disagree with that honorable gentleman, in regard to his proposed reduction of the General Assembly. The proposition which the gentleman is in favor of, as I understood him, is that the legislature shall be reduced to forty members in the House and twenty in the Senate, in order that we may retrench and economize the expenses of this government. Might not the expenses of the government be better retrenched, and economized, by setting limits to the action of the legislature? By saying to the legislature, thus far thou shalt go, and no farther?

If we contend for the principle of a democratic, responsible government, let us carry it out; and I ask this convention, if that principle can be carried out, by limiting the representation in this hall to forty members? If it can, I am prepared to go still further than the gentleman from Brown, who preceded me in this debate. If forty members can do the business of this State, if the great and important interests of the people can be intrusted to so small a number,—why not bring it down at once to the standard of Napoleon's republic; reduce it to a council of three, and have an aristocratic government, an oligarchy at once? It has been very properly suggested here, that the interests of the smaller counties will be swallowed up by the greater, in the indulgence of that love of power which is inherent in the human breast; that as nothing but an imaginary line divides them, the interests of the smaller counties will be absorbed and swallowed up by the larger. True, sir, there is danger; and yet within those lines there are feelings of local interest, feelings which attach every man to his own county.—The same feeling which produces State pride, or pride of country, will operate in regard to counties. State lines are merely imaginary, yet who does not hold his own State first in his affections? The same principle will hold good when we refer to Europe; imaginary lines, only, separate nations, and yet those nations are arrayed in hostile attitude against each other. Sir, if you would in accordance with your professions, protect the rights of the weak against the encroachments of the powerful, then let your small counties be protected in the enjoyment of their privileges. Each county in itself possesses a kind of minor sovereignty; that sovereignty should be represented, and respectably represented in this house. It is said that gentlemen who came from small counties, should not be entitled to the same respect and consideration as those who represent larger ones. If this is to be the decree regarding this thing, let gentlemen openly avow it. Let them not come here sailing under false colors. Let them not come here under the color of democracy, and say that that class to which I belong, those whom they opprobriously style "blue light federalists," and "Mexican whigs," are those who are trampling on the rights and interests of the people. Let them come out under their true colors, and if they are disposed to pro-

tect the interests of the great mass of the democracy of this country, let them show it by acts and not by words. I am clearly of opinion with the gentleman from Brown, that should we adopt this policy, and reduce the number of representatives to forty, it will drive from these halls the representatives of that very class, on whose behalf so much is said, and so many professions made; it will prevent the hard-fisted yeomanry of the country from ever attaining a seat in your legislative halls. It will shut out from participating in the legislation of the State the farmer, the mechanic, and if you please the merchant, whose interest and whose welfare are preached from every stump. Another class of men must fill your legislature, if this principle be adopted; and what class will it be?

It has been truly remarked by the gentleman from Brown, that it will be the lawyers, the nabobs of the country; men who can roll in their coaches; whilst the poor man, the farmer, the mechanic, though he may have the embryo talent lurking in his brain of a Clay, a Webster, or a Calhoun, is ruthlessly deprived of all chance of ever arriving at that niche in the temple of fame, which his inherent talent would otherwise give him the capability of attaining. If we are going to be democratic, let us give every county in the State a representative.—But, perhaps, gentlemen have promised reform, which they now find it somewhat inconvenient to carry out; they have promised more, perhaps, than it is agreeable to them to carry out.

For my own part, I came here bound by no pledges; I am free as the air of heaven. That I am honored with a seat here, is but the triumph of the principles by which I am governed, and not because I was willing to subscribe to what appeared to be the wishes of a majority. Rather than beg a seat here, in order to carry out doctrines which I disapproved, rather than do this, I would dig my political grave deeper than the very caves of the ocean. The people whom I have the honor to represent are not willing that their right of suffrage—that their right of representation here, should be balanced against a paltry sum of dollars and cents. There are questions arising, and always will be, in the progress of the development of the resources of this country, and in the further arrangement of the State, that will require local

legislation; and is there a county, in view of this fact, that will not be willing to pay the expenses of a member, rather than be deprived of the services of a representative in the legislature? And another great difficulty which has been raised by many gentlemen on this floor, is this sectional feeling, this county pride. Range two or three of these counties side by side—let them send one representative to the legislature, and which among them will be most neglected?—Undoubtedly the smallest. The main interest of the whole will be laid aside, party politics even will be laid aside, and these local questions are the ones that will be agitated. These are not freaks of the imagination. I come from a county which never sent a representative to the legislature, and it was only by a piece of good fortune that your humble servant obtained a seat here. [A laugh.] Though I would be decidedly opposed to a curtailment of the representation, yet if gentlemen persist in curtailing down to the small number proposed, for the purpose of economizing—if a saving of dollars and cents is to be the word—I will go further than they. I will say clothe your executive with imperial functions, put the imperial crown upon his head, and carry out your doctrine in its utmost rigor. Deny the people the right of representation in the legislature,—send forth from this august body a constitution that will give to your large counties clustered around the centre the full power of the whole State, and I pledge you my life that the people will respond to your acts in a way that will be most unwelcome. The people's rights are not to be bought and sold.

But gentlemen may enquire, what would be my proposition. If we must have a conservative department in this government, in order to check the power of the others; make the most numerous body of the legislature that conservative department; let the sovereignty of every county in the State, which is able to carry on a county government be represented; then, select your Senators according to the population of the country. It has been justly remarked by the gentleman from Bond, that the conservative character of the Senate of the United States has more than once saved this republic; and I entirely concur with the gentleman. Give the numerous body of the legislature this conservative power and we shall save perhaps the character of this rapidly growing

State. Concentrate the power around the capital of the State, and you at once have a civil government, more odious in its character than was ever the consolidated government of Santa Anna; the bordering counties having no more voice in the legislature than if placed beyond the Mississippi; swallowed up by the consolidated power collected around your capitol.—Is this what the people expect from a democratic convention? Is this the kind of democratic doctrine which gentlemen come here to advocate? Do they not place themselves in the position of the Jay, who had borrowed the feathers of the Peacock? Let me tell the gentlemen, there is a breeze of intelligence sweeping over the broad savannah's of this land, that will scatter their brilliant plumes and leave them in their naked deformity. Principles will be test words, and party names will be unknown. I do not intend to consume much of the time of the Convention; I did not come here, as I said on another occasion, deeply learned in the law, yet my constituents thought me not unworthy of a seat in this assembly, and whenever their interests are to be sacrificed upon the alter of penuriousness, than I am to be found battling in their cause. I am not going to sit quietly in my seat, and see the little county which bears the name of that glorious hero, who shed his blood upon the field of Buena Vista, sacrificed to serve the purposes of the democracy of the State.][21]

Mr. LOUDON said, that he had just come into the Convention, and desired to say a few words on the question, though he did not exactly know what the question was. His constituents were interested in the matter. He had long thought of the matter. It had occurred to him in days past that the Legislature was entirely too large. He had heard the people say so, particularly in the south part of the State. Their sessions were entirely used for log-rolling, &c., which took up a great deal of time, and, therefore, the sessions were too long. He was for a sufficient number, in the Legislature, to carry on the business of government and no more. So far as his county was concerned, he was satisfied that not one could be found who was not in favor of reducing the number to

[21] This account of McCallen's speech is taken from the *Sangamo Journal*, June 22.

50 in the House and 25 in the Senate. The committee had reported 75 and 25, and he did not know but that he would vote for striking out. He lived in a small county which would lose a representative, and he had the best feeling for his county and her people, but still he would vote to reduce the number of representatives. It might be said that Illinois required a greater number in her Legislature to represent the interests of all her people; but he would introduce the State of Tennessee, who [*sic*] had a much larger population than Illinois, and a much smaller representation in her Legislature. Much had been said of retrenchment, and he was of opinion that this was a proper way to make it; in fact, the only way to retrench the expenses of the State was to curtail the number of representatives in the Legislature, then reduce their per diem, and then there would be a great saving to the State. This was the only way that it could be done. He had introduced a resolution some weeks ago on this subject, which had expressed his views and the views of his constituents.

But there was apparently a great anxiety, on the part of some gentlemen, that if the number of representatives should be reduced, and several counties put into one district, that they would never get back to the Legislature. He lived in a small county, and one which, if this reduction should pass, would lose a representative, yet he would rather have the honor to represent three or four counties than one. It was no great thing to get into the Legislature! Much better to keep out of it. If he could get elected from a large district, composed of several good sized and respectable counties, why, then he would consider himself a respectable member.

It was all a chance to get into the Legislature anyhow. If a man was respectable and popular in his own county now, and would do everything to keep up that character after he was put into a large district, and let the people then see him and know him, he would stand the same chance, and might be elected. Gentlemen should not be afraid. Young men who are now squirming and trembling about the loss of their chances to get back to the Legislature, should remember that the old ones will die, and get other places, &c., and that they will, in time, have

all the chances. Many who are now in will die, and they will be elected to fill their places. That was his only hope.

Mr. PINCKNEY said, that if those gentlemen who were afraid of not getting back to the Legislature would quietly wait till the old ones would die, it would be the better course. He did not know how others felt, but for himself he had not been much enlightened by the speeches of gentlemen upon the principles upon which governments were formed, and even if they had gone back to Greece and Rome, and informed us how their governments had been established, he did not think the result would be much different. He had read all about them in his youth, but did not think he could enlighten the Convention upon the subject at present.

His reasons for rising at all were to have a vote upon the question at once. He would prefer the number to be 80 instead of 75, and that number, he was of opinion, was not too large, but he did not desire to have the number more than that. He thought but little of the argument that small bodies were more easily corrupted than large ones. If this were the case, how came it that the people themselves were corrupted when they met *en masse*. They were there swayed to and fro by some one man—an orator—who, by appealing to their feelings and passions, carried them like a wave backward and forward. If the number and pay be reduced, it is said that poor men will not be able to canvass the districts. Well, he did not care if men never canvassed the districts, making stump speeches, log-rolling, and using every means to procure their election. He would not care if this were all broken up. The people of his county were willing to pay men a reasonable compensation for their services in the Legislature—not too high nor too low.

Mr. WORCESTER withdrew his motion to strike out the numbers proposed by the committee and insert less ones.

Mr. SCATES advocated the motion made yesterday by him to strike out the numbers proposed by the committee. In doing so he said, that he hoped no one desired to "question" gentlemen down who were disposed to present their views to the Convention on this subject. He was astonished to hear gentlemen say, when great constitutional questions were before them, that there ought

to be no more discussion. He had objected, last week, to long discussion upon a very trifling matter of dollars and cents. But now, gentlemen who have spoken themselves, like a man after a feast, think no one hungry because they are satisfied. Gentlemen had also indulged in personal remarks, in sarcasm, and ridicule of those whom they were disposed to silence. He had shared largely in these. In reply, he had only to say, as Job said to his comforters, "miserable comforters ye are," and he would add, with Job, also, "ye are the people and wisdom will die with you." His colleague (Mr. Z. CASEY) had been made to say, by one of the gentlemen who had spoken, that he had lost all confidence in an Illinois Legislature because they had become corrupt. His colleague did not say that he had lost all confidence in the Legislature because it was corrupt. He (Mr. S.) had lost all confidence in an Illinois Legislature, because he had lost confidence in its ever adopting retrenchment and reform; he had lost confidence in it because of its organization. He had no confidence in it when it went on increasing its number till it had reached 162.

Mr. MINSHALL explained, that he had put no such construction upon the language of the gentleman from Jefferson.

Mr. SCATES. Let it pass, then, I so understood the gentleman to represent my colleague. When interrupted, he was about saying that he had known candidates for the Legislature to canvass their counties, and pledge themselves to carry out retrenchment and reform, and to be elected. Yet these same men, who, when they came here, were resolved to carry out their pledges, have been voted down, and, until finding they were unable to do so, have abandoned the object. When he saw this, he could well say that he had lost all confidence in the Legislature. The Legislature was too large, and he greatly feared that in this body of 162 members it would be found impracticable to carry out the principles of economy and retrenchment. When he had opposed the scheme to economize one-half dollar in the pay of the clerks and doorkeepers of this House, he did so because he did not think it was in our power to pass a resolution of the kind, and that the subject was too insignificant. Now there was a great opportunity to introduce retrenchment into the government, and gentlemen who had made speeches then upon economy had now an oppor-

tunity of showing their sincerity. Let them vote for the smallest number. He was told that Illinoians were too proud to pay a poll tax. This pride would be our ruin. When we propose to economize in the legislative department we are told that the people of Illinois are too proud to submit; that they will never consent to mingle counties into districts, and that the county lines must be kept up. And this, too, when we were not in a condition to pay the interest on our debt. He was prepared to show that we could add to the funds for the liquidation of our debt, by this proposed reduction of the number and pay of the members of the Legislature, and that, too, in considerable amount, without any increase of taxation.—The expenses of the last Legislature amounted—including per diem, mileage, printing of laws, stationery, fuel and other expenses—to $77,659.59.—This was for the Legislature composed of 162 members. Now the question was, how much could we retrench of this sum, without injuring the public interest? Mr. S. then read several tabular statements showing the reduction in the amount of expenses of the Legislature that would follow the adoption of a smaller delegation, and the annual saving to the State. We give the substance. The cost of a session of the Legislature, composed of 60 members, allowed $2 per day—session limited to 60 days—would be $13,766.14. This compared with the last Legislature would be a deduction of $63,872.91. The printing would be reduced, the stationery and the number of laws would be reduced. Thus there would be an annual saving of over $31,891, to go to the payment of our interest on the State debt, without any further taxation. The expenses, at the same rates, of a house of 70 members, would be $15,500—and the saving would be about $30,000 a year. At 80 in the Legislature, the expenses would be $16,500, and the annual saving would be nearly $30,000.—Fix the number at 100 members, and the cost would be $19,000, a yearly saving of $28,500. This was a considerable saving, which, under the present circumstances of the State, it was very desirable should be made.

But if gentlemen would calculate the difference between the cost and expense that would be incurred by having one hundred members in the Legislature, with that of the number proposed by him—sixty—they would find that in thirty years it would amount

to $144,000. He had no hopes that in thirty years our debt would be paid, yet he thought that our creditors would be rejoiced to hear that in that time they would receive that amount. Suppose they were to ask us, would we not pay them $140,000 in thirty years, would not we be glad to have it in our power to promise them we would? They are now here in the lobby looking upon your actions, they are watching whether we will suffer any opportunity of saving money to pay them their dues to pass by without embracing it. Look at them and think of the large claims they hold against the State, and forget your constituents.—Do not oppose it because you have too much pride to allow your county to lose a representative. Gentlemen say that 60 members cannot legislate for the whole State of Illinois; cannot represent her different interests. How do seven members in Congress so well represent this large area of territory and advance the interests of the people? When they say that one man cannot know and represent the sentiments of several counties is not correct, if so, what becomes of the propriety of your present senatorial districts? New York has an extent of territory of 47,000 square miles, but little less than our own. We have a population of 670,000, and New York has 1,968,000. New York has fixed as a ratio of representation 11,000 to a delegate. She has a population of 43 to a square mile. Illinois has only 3. Her legislature is composed of only 163 members to represent her large and diversified interests. She has agricultural, manufacturing and commercial interests. We have but one—agriculture. Our population is not so diversified, we have but little mechanical, and comparatively no manufacturing interests. We have but one principal interest to be represented, and that is agriculture. Gentlemen have cited New York as a model. They were willing to follow New York in every thing. If New York adopts a bad system of general banking, they immediately gave up and adopted it. N. York had adopted it and the matter was settled. New York had a vast amount of revenue arising from the canals; it had a large amount of taxable property. Illinois had not been, and at the present time was not, able to pay the interest on its debt. She was emphatically able to owe it. He would call their attention to the State of New Jersey, which had a population of

520,000, and she has a limit in her constitution upon the number of her Legislature to 60. Is New Jersey in debt, or unwilling to pay what she owes, or suspected of a design to swindle her creditors? No; but she has thought proper to guard against a too large and extravagant Legislature, and is an example we might safely follow. Pennsylvania has provided that her legislative body shall not exceed one hundred. Are we willing under our circumstances to go up to the same limit with the great State of Pennsylvania, with so many diversified interests. We are still issuing large numbers of Auditor's warrants to pay these members, they are floating all over the State at a depreciated value. You may knock in vain at the doors of your treasury for their redemption. And now there will be a large amount, say $50,000, issued to pay for this Convention. And gentlemen are talking of paying the State debt, when they are unwilling to reduce the number of the Legislature, and reduce the fast growing amount of Auditor's warrants. Let us go to another State that has prospered under her legislation, and which would be a more proper model for us than New York. Go to Ohio. A State with a large population engaged in agriculture, literature, commerce and every branch of trade. Her march has been onward. And she has limited her Legislature to seventy-two—I am told it is eighty-two. Admit it, but compare her population to the square mile with ours; her prosperity with ours; and the number of her Legislature with ours. The constitution of that State says the number may be as low as 36. If we follow the example of any State, I think we should follow that State. Indiana has limited her number to one hundred. Shall we step at once to the maximum? Let gentlemen adopt the lowest number now, and let the Legislature advance to the maximum when our population shall have increased and our State has not creditors. Louisiana has an immense commerce compared with Illinois, yet this State—the great cotton State—has fixed her maximum at sixty-four members of the Legislature. And we are scouted at when we propose to reduce our number to the same. Alabama has fixed the limit of her Legislature to one hundred, and I believe is now legislating with a less number. That State has a territory of 50,000 square miles. The State of Maine has a larger ratio of representatives than any State in the

Union. Her limit is not below one hundred, nor above two hundred; but in that State, and I believe in most of the New England States, they allow every town a representative, the town or county paying all expenses of the members. Arkansas has limited the number to one hundred.—Missouri, too, has adopted the same number. She is larger in territory than Illinois, and though her population is less, the interests of her people are more diversified. She has a larger commercial and a mineral interest to be represented. He thought that if because the State had been heretofore cut up into an extravagant number of counties we were to allow each county a representative in the Legislature, we had better go to work and organize the State over again. Did you notice the touchiness of the gentleman from Hardin? A county that has ever had a representative will never surrender it; the people are too proud to submit to it. Illinoians had become so proud because they had had a chance to fight and fought well, that they won't pay taxes, is another fact of the gentleman. They had been favored with panegyrics upon their brave who had fallen, and upon the fighting of their troops. Fighting was one thing and paying taxes another; and collectors when they called on the people for the amount of their tax would not be put off by these answers, which gentlemen put into their mouths. Our character, as a State anxious and desirous to adopt every means in our power to pay our debt, will be served abroad by our reducing the number of our Legislature, and the amount of our expenses. I hope, for the saving of $144,000 in thirty years—the probable length of time this constitution will continue in force—gentlemen will adopt the number I have proposed. It is also said, that members won't serve for $2 a day; they get men in the State of Kentucky to perform the duties of legislators for that sum. The expenses of the last Legislature are yet unpaid, the warrants for them are in circulation yet; moreover, there were $100,000 appropriated besides, by the Legislature, all of which are yet out and unpaid.

We could easily see the reduction that could be made, were we to have a called session.

The people of my county say the Convention was called too soon; that the day of confirmation is fixed too soon, and I would

prefer that the election should take place so as the result might be known just before the August elections of next year. . He hoped the Convention would, in justice to the honor of the State, and to wipe off the suspicion of a design to cheat that now hangs over us, go for the reduction of the number. Now is the time. All the people demand it. All speak of retrenchment, and here is an opportunity to accomplish it.

Mr. HARDING. The county I represent has a desire to have a representative in the Legislature. The last number proposed will deprive us of all chance of a member. We have a population of 6,000 and the Legislature has attached us to Knox county. Knox county has a population of 10,000, and they give her one member. Knox and Warren are entitled to one member, and we have to depend on the magnanimity of the people of Knox whether we ever have a member from our county or not. Population is not the fairest basis of representation, it should be taxation and territory. All counties have an interest as counties—a county interest, and it should be represented. Sangamon, for instance, has an interest, a county interest, a Sangamon interest, which is very different from that of any other county. They, in apportioning, throw the fraction from large counties and attach it to a smaller county, and this is unfair. The gentleman from Jefferson may well speak of reducing the representation. His county has two representatives, and pays but $1,250 a year for taxes. Warren county pays $4,000. Jackson county pays $1,800 for taxes and has a representative and a half, we pay $4,000 and have none. Let every county have one member. Go to Pennsylvania, her constitution says that every county shall have a representative, no matter what the population is. Take Cook county, I can see the time when Chicago will have a population of 100,000, and then take a small agricultural county which has no representative, but is thrown in with Cook, what chance of the agricultural interest being represented there?

Jackson and Williamson counties have a large extent of territory but they pay no tax. The rule of putting several counties into one senatorial district, is well enough, because the Senate is the conservative branch.

Give every county a representative, and you will avoid all

complaints about gerrymandering. A large extent of territory requires a larger representation than a large population. The Legislature is to make laws for all the counties, and if the small counties are deprived of their representatives, they have no voice in the assessment of taxes. In the proposed plan property is thrown out of view. He who has property has an interest in the country, and the greater part of the taxes comes from the landhold interest. There are those who are engaged in professions and other occupations who derive large incomes and who pay no taxes, but are fully represented under the population basis.

Mr. LOUDON said, he must reply to some of the remarks of the gentleman who had been somewhat personal. He said property should be the basis of representation. He steps down to Jackson and Williamson and there makes some calculations; he then steps up to Cook and there was quite unfortunate. If he carries his principle of a property representation into operation as a basis, he would, standing alongside Cook county, soon find himself like a musquito [*sic*] in the stern wheel of a steamboat. He (Mr. L.) was from a poor county, and was one of the poorest of the poor in that county, yet, he, and the people of his county, were perfectly willing to run the chance of being united with other counties and of having a joint representative. Gentlemen should go into the canvass then as into a game, take all the chances, enter into the spirit of the game. Let him present himself as a candidate; the people will ask him is he qualified to go to the Legislature. He answers, I think I am; then the people will say, we'll examine you and see if you are. Let him go then into the contest, and if he struggles, if he has hope, even as large as a grain of mustard seed, he can remove anything, he can remove mountains. Let him go to Williamson county, and he will find that there are as many there, who are as anxious to go to the Legislature as anywhere else. Don't be discouraged; don't be frightened at the chances of not getting back. The argument of gentlemen don't hold good, suppose you do give every county a representative, the large counties will then have more—two or three—in proportion and the small counties will be in exactly the same minority. No man representing several counties dare neglect to represent the interests of the small ones.

He need not be afraid of gerrymandering, there will not be any more of that in one way than in another. Though Williamson county is poor and her population is small, she has raised some cute chaps, who, when they grow up, move off into other parts of the State and become rich; they cannot get rich down there. Let them put Williamson county along with some others and give them all one representative, why, there will be a number of candidates from all counties, and the longest pole will knock the most persimmons. All the people required was a sufficient number in the Legislature to do the business, and a surplus was just as great a nuisance as any other article on a man's hands for which there was no demand.

A motion was made to adjourn till Monday next.

Mr. CHURCHILL demanded the yeas and nays. Which were ordered.

Mr. HURLBUT and others appealed to him to withdraw the demand, that the object was to enable the committees to hold their meetings; the demand not being withdrawn, the motion was withdrawn, and the Convention adjourned till 3 P. M.

AFTERNOON

Mr. WHITNEY differed from the gentleman who had said there was a manifest desire on the part of the Convention to close the debate on the question. He thought not. Retrenchment and reform had been sounded in his ears so much, had been the subject of so many gentlemen's speeches, that he even heard retrenchment and reform at the corner of the streets. It was now proposed to carry out retrenchment and reform by depriving the people of the right of representation, the grand characteristic of a free government, and the most sacred of all privileges, and that for the purpose of paying the public debt in thirty years. He was certain the people would pay every dollar of the debt; they were anti-repudiators; they desired to pay it, but not by giving up their right of representation. He did not think that the debt could be paid in thirty years, nor would any one there now, who might live thirty years, see the debt paid. He was no repudiator, he paid his taxes and would continue to do so, but would never consent to give up any of the people's right to be heard in their legislative

halls. He was opposed at the time, to the passage of the act by which that debt had been created. It had been said that it was unwise legislation. He thought so too, but knowing well the manœuvering that had been practised by people about here to procure the passage of that bill, he was greatly of opinion that the Legislature that made the law was not only unwise but a little corrupt. Unwise they certainly were. He did not care if the State creditors were in the lobby looking at the acts of the Convention. He had heard the same cry before, when the great internal improvement bill was before them. Then it was said that the capitalists were here in the lobby with the money in their hands and that the eyes of the world were upon us to see if we would be such fools as to let that opportunity pass by, of enriching our State by means of canals and railroads, &c. I am unwilling, even for the purpose of paying the debt, to say that a republican form of government shall be abandoned. To forego the right of representation to pay men, who were as much to blame for the creation of that debt as we are. How are we to save this $144,000 in thirty years?—by cutting down the number of representatives of the people? He would not even say he was willing to cut down the pay of the members of the Legislature to $2 a day—$2 a day in Auditor's warrants! Farmers and mechanics who may come here cannot afford to pay for board equal to what they have on their own table, at that rate. He would go for restricting the amount they should receive each session. If gold and silver were paid, then there might be something saved, but not when they were paid in Auditor's warrants. I hope to see no longer the sheriffs running about the counties, buying up the Auditor's warrants with the gold and silver they received from the people's pockets for taxes, and then making returns in the warrants. New York had been cited. N. Y. was his native State and he loved her, but he loved Illinois more; if a good plan was proposed he did not care where it [had] come from. New York has 128 members in the lower house, and they are apportioned by territory. She has fifty-nine counties and each county has one representative, then after that population is the basis, and 37,680 is the ratio for representatives. When I first came here I lived in Peoria, and our represe[n]tative had so great an extent of territory to repre-

sent that he might as well have been in the British Parliament so far as our interests were concerned, as at Vandalia. He remembered the time when Jo Daviess county furnished representatives for nine counties, and they generally forget our interests in that of the interests of Jo Daviess. The whole of those representatives went in for that bill against the wishes and opinions of the people of my county, as well as of the adjoining counties.

If the report of this committee be adopted, eighteen counties will hold the balance of power in the house, and control the whole State; and the rest of the counties may as well not be represented at all. These eighteen counties will be entitled to thirty-eight representatives—a majority of the whole—if population be made the basis of representation. He hoped every county would have a representative.—He was not to be frightened because of what had been said about small counties. He had seen too much, since yesterday, of gentlemen making calculations of how many representatives their counties would have. He was sure every county would be willing to pay the per diem of its member, rather than go without one.

Property, also, should be the basis of representation, and the unanswerable speech of the gentleman from Warren, showed this fact. If this reduction be adopted, and there should be other exceptions to the constitution, it will endanger its confirmation by the people. His county, with 1200 voters, would go against it. He would like to see the constitution adopted by an overwhelming majority, but this would endanger it. He meant this not as a taunt, but as a fact. No man so poor as would be willing that the bed should be taken from under him, and his wife's and children's clothing should be sold for taxes, to pay our debt, nor did he think our creditors would think the better of us if we refused to have an aristocracy here, and abandon the right of the people to be represented in the hall of the Legislature. It was one of the great essentials of a free government. A representative government was the terror of tyrants. If gentlemen pass this law, he would go for a total abandonment of representation, and have the administration of government in the hands of the executive and the supreme courts, it would be just as well for the small counties as to have no representation.

Mr. WILLIAMS was greatly astonished to hear a single member on that floor declare himself ready to attach the pruning knife to the salaries of the judges where but a small sum was to be saved, and not touch the Legislature at all. He was in favor of sixty members, and was satisfied that they could administer the government with justice and fidelity to all the interests in the State. He thought that if the people desired to guard against bribery, they should select men of integrity, to represent them, that is the proper guard and not the number. He would vote against striking out.

Mr. KENNER was not in favor of a large representation, but thought that every county should have a representative. Every county had an interest of its own to be represented, and he thought that if we once denied that interest a representation in the popular branch of the Legislature, that you might as well abolish the house altogether. If each county should not be allowed to have a representative, he would vote for the smallest number that would be proposed. If one member could represent four counties, why not represent twenty? We see one branch of the Legislature representing county rights, the other representing the interests of the State, at large, thus operating as a check, one upon the other. Once destroy this principle of a representation of county rights, and why not throw both houses into one, and thus save the whole expense. As it is the interest of the State to have a general representation, why not let each county have one representative.—We would then steer clear of aristocracy and anarchy. He had merely risen to express his views.

Mr. THORNTON represented a large and a small county, and desired to make some remarks explanatory of the reasons which should control his vote. If he knew the sentiments of his constituents upon any subject, he thought he did upon this. They were, and so was he, in favor of a smaller number to compose the Legislature than that reported by the committee. To hear gentlemen talk, one would suppose that there was a Chinese wall between the several counties of the State. There are not those diversified interests here, as in other States. He would vote against striking out, for fear of getting a large number; but if the motion to strike

out prevailed, he would vote for the smallest number. He would vote for the report for a compromise.

Mr. KNAPP of Jersey read a proposition which contained his own views of the question, yet he would vote for the report of the committee. He could not agree with the gentlemen who desired that each county should have a representative.—Such a course would increase the number beyond that which was necessary. Speaking of retrenchment, our constituents are looking to us for no greater move in retrenchment than that which can be affected in the legislative department. He represented a county which would, under the plan reported by the committee, lose its representative, yet, he was willing to forego the privilege of representation, for the purpose of lessening the number of the Legislature. He agreed with much that had fallen from the gentleman from Jefferson, but he feared that even after adopting all the economy proposed, we would not realize the promised reduction of the State debt. He would vote for the report of the committee, fearful that if the numbers therein should be stricken out, that a larger one might be adopted, and for fear, also, that if reduced so suddenly, we might lose the constitution. And then, in addition to all the evils which we experience now, will be the great cost of this Convention.

He did not think that the census of 1845 was a proper basis upon which to district the State; because under it we cannot do justice to the great increase of population that has taken place since then. He was in favor of fixing the number low at present and increase the representation according to the increase of the population. We should embrace every opportunity that is offered to save money, and I think there will be no one where we can save so much as in the present case. Let us reduce the number of representatives in the Legislature, which, as has been shown, is the greatest of all extravagances. He agreed with the gentleman who said he was in favor of allowing a fair and reasonable compensation to the judges; let us leave those places which are small in themselves and where there is a fair return of services for the pay, and turn our attention to the curtailment of the extravagancies of the Legislatures.

Mr. SINGLETON. The committee have reported the very

number I advocated when a candidate before the people for a seat in this Convention. Still I am in favor of a smaller number. He was greatly surprised to hear gentlemen say that territory should be the basis of representation. What do we represent—the people or the naked territory? The population as a ratio was said to be democratic doctrine, and he, though not a democrat, at least of the present day, was in favor of it. He could not see the difficulty in reducing the number of representatives or of putting two or more counties into one district. He would be perfectly satisfied to have the gentleman from Pike, or the gentleman from Schuyler, represent Brown in the Legislature. He did not think Brown possessed all the capacity. This would break up this local legislation, and it was this local legislation which had involved us in all our difficulties. If gentlemen were so extremely democratic as to declare that territory is the only true basis of representation, why not extend the right of representation not only to counties but to townships also. Why, at present, if a man is elected from one side of a county, the people on the other side say they are not represented. The town of Quincy has an interest different from that of Mt. Sterling, yet if their representative should be elected from Quincy he did not know that it must affect Mt. Sterling. If we give a representative for territory, it is a property qualification, a land representation, and then why not estimate every species of property and give it a representation. Territory was no more than a land or real property qualification, and not more entitled to a representation than any other species of property. Gentlemen had said that if we made the districts so large, that none but lawyers could get elected as representatives. This was but a poor argument, and one of those long standing means of raising prejudices against lawyers or doctors. He thought that clerks of circuit courts were as fond and as desirous of coming to the Legislature, of holding an office, or two or three of them, if they could get them, as anybody else. He thought it very undignified in his colleague to speak in this manner. It required judgment and discretion to administer the government and not numbers; the only advantage in having large bodies is that the wants of the people can be made known; if sixty can do this, then sixty is enough. If a less number can do it, why then a less number is

sufficient. He was not in favor of a large number and then reducing their pay to the very lowest, but he was in favor of a small number, and allowing them a fair compensation. If the State was in good circumstances he would be glad to see them receive good pay.

Mr. THOMPSON wished to define his position before his constituents, and to offer a few remarks in justice to the committee, of which he had the honor to be a member. There were a number of propositions before the committee, none of them, however, exceeding one hundred. The number for the Senate was generally low, three, and sometimes four, to one. He thought at first that the number as reported by the committee was a little too large, and would have voted for the motion to strike out, but, now, fearing that he might hazard the reduction, he would vote against striking out. Gentlemen had alluded to the State of Massachusetts, which he did not think was a fair example. The large number of representatives in the State of Massachusetts was the result of incorporations. When that state was first settled the inhabitants were nearly all gathered into small communities on the coast; these soon were made into incorporations, and afterwards, when the State became more closely settled, and the people in the interior increased, they were incorporated and were allowed a representative. And when the corporations were increased, they, too, claimed a representative and obtained it. In this way then, had that State increased her representatives to a great number.

In this discussion, he had observed the same two great traits of human nature—pride and interest. It was my county, my township, and my people. It reminded him of a toast given by a Connecticut farmer at an agricultural dinner, given in that State. It was this; "Here's to the United States, the garden of the world; here's to the State of Connecticut, the garden of the United States; here's to the County of Wyndam, the garden of the State of Connecticut; and here's to *my farm*, *the garden of the County of Wyndham*."

There was a burst of patriotism!

Messrs. LOGAN and SCATES continued the debate at much length; the former advocating the adoption of the report and in

opposition to the motion to strike out. The latter, in reply to Mr. L., in support of his views as expressed by him in the morning, and in advocacy of the motion to strike out. The great length to which the debate was extended, has compelled us to defer the publication of the remarks of these gentlemen.

Mr. HOGUE was satisfied that if he understood the sentiments of the people whom he represented upon any subject, that he did on the subject of the number of the Legislature. His constituents were of one opinion and that was that the number should be reduced below one hundred. He was in favor of striking out, and would go for the number of eighty—ninety as the excess. He would oppose all over ninety and vote for any number less. He was satisfied that the gentleman from Edwards had not expressed the views of his constituents. We had spoken together before the people upon this subject, and he had agreed with me that the number should be reduced.

Mr. KENNER. No, sir, we did not.

Mr. HOGUE reiterated that they had.

Mr. CALDWELL asked that the question should be divided so as to [be] taken, first on striking out 75, and then on striking out 25. And the vote being taken separately, both motions were lost.

Mr. DEITZ moved to amend the resolution so as to s[t]rike out "Legislative committee" and insert "that a committee of one from each of the senatorial districts shall be appointed, who shall proceed to divide the State into senatorial and representative districts."

Mr. SHERMAN moved to amend the amendment by striking out "one" and inserting "three," and striking out "senatorial" and inserting "judicial."

And then, on motion, the Convention adjourned till Monday next.

XII. MONDAY, JUNE 21, 1847

Prayer by the Rev. Mr. BERGEN.

Mr. ROBBINS moved a suspension of the rules to enable him to offer a resolution, that the Convention should now proceed to the election of an assistant secretary, to copy the journal for publication; and the rules were suspended. The vote was then taken on the adoption of the resolution, and it was lost—yeas 40, nays not counted.

A motion to re-consider was made and lost—yeas 38.

Mr. MINSHALL offered (the rules being suspended) a resolution; which was laid on the table.

Mr. SCATES offered a resolution calling for information from the clerks of the circuit courts of the State.

Mr. DAVIS, of Montgomery, opposed the resolution because of the impossibility of its being satisfactorily answered, and because of the great cost which it would be to the State.

Mr. DEMENT moved to lay the resolution on the table. Carried.

Mr. SHERMAN (the report of the committee on the Legislative Department and the amendment thereto being taken up,) said, that his object in moving the amendment proposed by him on Saturday was, that it was more usual to select the committees from the judicial districts of the State—there being nine judicial districts, and taking three from each would make the committee consist of twenty-seven members. This was large enough, and they ought to be able to arrive at the proper apportionment. He had not made this proposed amendment from any feeling of distrust in the committee on Legislative Business, but because he thought this committee would be better able to perform the duty, they coming from all parts of the State, and their labor might be more satisfactory to the people. He was of opinion that no standing committee, unless selected for the purpose, could give the same satisfaction as one chosen from the several sections of the State. It was well known that the districting the State would

create much feeling any way, and he thought the mode which would be the least objectionable would be the better.

Mr. WHITNEY was in hopes that the amendment would prevail. By the selection of the committee in this way, territory would be more likely to be represented. He advocated the appointment of this select committee, not from any feeling of distrust in the standing committee, but because he thought a committee selected from each judicial district could better represent the views and interests of the several counties than one selected in any other way.

Mr. DEITZ withdrew his amendment.

Mr. SINGLETON offered an amendment to the amendment.

Mr. KITCHELL explained the reasons why he had moved, on Saturday, to lay the amendments on the table. It was not for the purpose of defeating the appointment of a select committee, but to test the propriety of the Convention undertaking the task of districting the State, instead of leaving it to the Legislature.

Mr. THOMAS moved to lay the amendment to the amendment on the table; which motion was carried—yeas 76, nays 55.

Mr. HARDING offered an amendment to the amendment, which, on motion, was laid on the table.

He also offered another amendment to the amendment, providing that no one county shall be entitled to more than one representative nor one senator.

Mr. SINGLETON moved to lay this amendment to the amendment on the table; which was decided in the affirmative—yeas 69, nays 60.

Mr. HARDING offered another amendment to the amendment.

Mr. EDWARDS, of Madison, moved to lay the whole subject on the table; a division of the question was demanded, and the vote being taken on laying the amendment to the amendment on the table, it was lost—yeas 49; and then the motion to lay the amendment on the table was decided in the negative.

Mr. HAYES offered the following as a substitute for the amendment to the amendment, which was accepted:

"*Provided*, That when more than one county is thrown into one representative district, the entire number of representatives

to which those counties may be entitled shall be elected by the entire district."

Mr. GEDDES advocated, briefly, the adoption of the proviso.

Mr. WEAD considered that the amendment, as it was proposed by the gentleman from Warren, contained the true and correct principle in relation to the matter, but that the modification offered by the gentleman from White, and which had been accepted, did not; but a principle that was calculated to do much injury to the rights of the larger counties.

Mr. TURNBULL agreed with the gentleman last up, and opposed the principle of representation or apportionment as provided by that amendment.

Mr. ARCHER, also, opposed the amendment as one not at all calculated to do justice to the rights of those counties who had a fraction of population above the ratio entitling them to a representation.—He stated several examples wherein he thought the injustice of the plan was fully demonstrated.

Mr. McCALLEN was a representative of a small county, and, under the present system, was not represented in the Legislature. At present the county of Gallatin was entitled to two representatives, and Gallatin and Hardin one. The people of Gallatin had the right to vote for three representatives and the people of Hardin but for a half a representative. Under the proposed plan of the amendment, the people of Hardin would have nothing more than what was just, the right of having a vote of equal weight with that of the people of Gallatin.

Mr. CHURCHILL was not in favor of the apportionments by the committee. He had drawn up his views, and were it not now out of order would offer them as an amendment. He would read to the Convention his plan, as a part of his remarks: Provided that the Senate districts shall be composed of entire counties, and that the county commissioners of each county composing the several Senate districts be authorized, either by themselves or one of their number, to meet at some proper place in the district and organize the Senate districts into separate representative districts according to population, as near as may be.

Mr. DAVIS of Montgomery was in favor of the plan suggested by the amendment proposed by the gentleman from White. He

thought it not only just to the large counties, but the best mode of apportionment for those small counties that had not sufficient population to entitle them to a member.

Messrs. BROCKMAN and WOODSON, both, advocated the amendment to the amendment, as the best thing for the interests of the smaller counties.

Mr. CAMPBELL of Jo Daviess opposed the amendment as containing a plan to elect the General Assembly by general ticket, and as unjust to the larger counties, by permitting the small ones to vote for the whole ticket, and thereby controlling, perhaps, the election of the representatives of that county to which they might be attached. Thus giving the voters of a county which had not sufficient population to entitle them to one member a voice in the election of three or four.

Messrs. HURLBUT and DEMENT, both, opposed the amendment.

Mr. HARVEY agreed with the gentleman from Jo Daviess in his view of the matter. He looked upon it as nothing more than a plan to elect the General Assembly by general ticket. The county of Knox had a population of ten thousand and would be entitled to a member, then by adding to it the county of Warren and the fraction of some other county, they, together, would be entitled to another; this was not anything more than just. But by adding those two to the county of Knox they would be entitled to two members, which under the plan proposed would have to be elected by a general vote of the three counties. By this Knox county might be controlled in the choice of her representatives, and that for the gratification of Warren. He had no particular desire that his county should be married forever to Warren, and hoped that some way would be discovered that he might procure a divorce. He moved the indefinite postponement of all the amendments, because he thought the discussion at present premature.

Mr. LOGAN did not agree with the plan proposed by the gentleman in all its details. He had drawn up an amendment which he would like to see carried out. He read it to the Convention. It proposes that when one or more small counties shall be added to a large one having a surplus over and above the ratio, that the large county shall vote for its own representative and for

the one to which the joint fractions are entitled. But before the judges shall proceed to give a certificate they shall count all the votes and after calculating the proportion the whole vote of the county bears to the fraction over and above the ratio, in the same proportion shall the vote cast by the large county for the representative for the smaller ones and itself, bear in the general vote between the candidates. Mr. L. explained the proposition and urged that the only thing required was to have sheriffs and judges of elections competent to work a sum in the rule of three.

Mr. HAYES defended the plan of apportionment submitted by him and pointed out the difficulties attending the practical operation of the plan of the member from Sangamon.

The Convention than adjourned till 3 P. M.

AFTERNOON

Mr. DEMENT opposed the plan of the gentleman from White in a few remarks.

Mr. GREGG was opposed to the Legislature undertaking the task of districting the State at all; but if it was to be done he was in favor of the amendment.

Messrs. KINNEY of Bureau and KNAPP of Jersey opposed the amendment.

Mr. WILLIAMS replied briefly to Mr. K. of Jersey, and declared himself in favor of the amendment.

Mr. CHURCHILL still further opposed any mode of apportionment of the State by the Convention and read a series of propositions that he had prepared on the subject and which he had submitted to some friends for their approval.

Mr. DEITZ advocated the adoption of single districts.

Mr. SHUMWAY expressed his opposition to the plan of apportionment before them, and was followed by Mr. FARWELL on the same side.

Mr. LOGAN was in favor of an apportionment by the Convention, but he thought that before we discussed the mode, we had better take a vote to ascertain whether the Convention would undertake to apportion the State or not. With that view he moved to lay all the amendments and that portion of the resolution which provides for the districting the State, on the table.

Mr. HARDING withdrew his modified amendment for the present; and the vote being taken on laying the amendment (Mr. SHERMAN'S) on the table, it was lost.

Mr. HARDING then renewed his amendment and it was adopted, and then the amendment as amended was adopted, and the resolution passed.

Mr. SERVANT presented a petition from a large number of citizens of Randolph county praying an extension of all rights to every class without distinction of color, and moved its reference to the committee on elections and right of suffrage. Carried.

A communication from the Auditor, in reply to a call for information was read: it contained an account of the expenses of the last Legislature.

Mr. THOMAS moved that it lie on the table and 200 copies thereof be printed.

Mr. LOGAN moved that the number be 1,000. Ordered.

Mr. HENDERSON moved that the Secretary of State be requested to furnish the Convention with a statement of the last census, and that when furnished 200 copies be printed.

On motion, laid on the table.

On motion, the Convention adjourned.

XIII. TUESDAY, JUNE 22, 1847

Prayer by the Rev. Mr. BAILEY.[22]

The following gentlemen compose the committee to district the State into senatorial and representative districts:

Gregg, Whiteside, Whitney, Archer, Armstrong, Davis of Massac, Sim, Hogue, Davis of McLean, Kitchell, Knapp of Jersey, Palmer of Macoupin, Dummer, Edmonson, West, Farwell, Pratt, McClure, Shumway, Vance, Harvey, Pinckney, Harlan, Hunsaker, Jackson, Minshall and Hill.

Mr. ARCHER, from the committee on the Organization of Departments, and Officers Connected with the Executive Department, reported back sundry resolutions which had been referred to said committee, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. PALMER of Macoupin moved to take up certain resolutions, offered by him some days before, and refer them to the Judiciary committee, which after they had been modified, were so referred.

Mr. SCATES moved to take up the resolutions offered by him yesterday calling for information from the circuit court clerks, &c.

Mr. WHITNEY advocated the adoption of the resolution, because the committee were of opinion that the information was needed, and the Convention should pass the call for the same.

Mr. MARSHALL of Mason could see no necessity for the adoption of the resolution. The information required by it would impose an immense amount of labor on the clerks of the courts, which could not be performed for many weeks, so that it was highly probable that whatever information would be furnished,

[22] Gilbert S. Bailey: October 1, 1846–October, 1849, pastor of the First Baptist Church of Springfield; November 7, 1850, assisted in the organization of the First Baptist Church of Pekin, Tazewell County; 1852-1855, pastor and school teacher at Pekin.

Bateman and Selby, *Historical Encyclopedia of Illinois; History of Sangamon County*, 2: 880; Inter-State Publishing Company, *History of Sangamon County*, 606; Bateman and Selby, *Historical Encyclopedia of Illinois; History of Tazewell County*, 2: 924-925.

would not be ready for the use of the Convention for six weeks, a period when he expected the duties of the Convention would have been performed. He hoped it would not be taken up, and, on a division, the motion to take up the resolution was lost.

Mr. HAYES offered a resolution referring certain parts of the constitution to the committee on Law Reform, and also instructing that committee to inquire into the expediency of abolishing all differences between courts of chancery and common law, also the modification of the laws and the abolition of all English statutes now in force.

Mr. CHURCH thought this resolution properly belonged to the consideration of the committee on the Judiciary; he thought there was a manifest inclination to deprive that committee of its proper subjects by giving them to the committee on Law Reform.

Mr. DAVIS of McLean thought the committee on Law Reform was peculiarly the proper committee to take charge of the inquiry contemplated in the present resolution.

Mr. HAYES said, that in offering the resolution he did not think of committing himself in its favor; the subject was one which had been spoken of by many persons, and by legal men, and he hoped the reference would be made so that the subject might be examined. Motion carried.

Mr. KENNER moved to take up a resolution, offered by him some days ago, with a view of referring it to a committee. Motion lost.

Mr. WEST offered a resolution that the Convention proceed to the election of an assistant secretary to copy the journal of the Convention.

Mr. THOMAS offered a substitute providing that the secretary shall select an assistant secretary at a compensation of $3 per day whose duty it shall be to copy the journal; and that the same be printed and bound &c., and that the president and secretary, after the adjournment of the Convention, should attach thereto a certificate of its authenticity; which substitute was accepted.

Mr. LOGAN offered an amendment, that the Secretary of State be requested to furnish them with a book or books in which to keep the journal, and after the same shall be printed, that he issue a notice for proposals for binding, &c.

Mr. BROCKMAN opposed the resolutions. He thought some weeks ago we had settled this question of the right of this Convention to limit the pay of the officers of the Convention. He was no lawyer, but he thought he was able to give a common sense interpretation of a statute, and the act which called them together allowed them certain officers and fixed their pay. He considered that our power in this respect was a delegated one, and we had no authority to delegate that to another, the act of the Legislature conferred upon the *Convention* the power of appointing certain officers, and he did not believe we had the right to delegate that power to the secretary or anybody else.

Mr. THOMAS thought that a person who chose to accept the appointment of an assistant secretary, at the rate fixed by this resolution, was bound by his contract. He did not admit that our powers were delegated.

Mr. PRATT agreed with the gentleman from Brown, that the powers of the Convention in relation to the secretaries and door-keepers, were delegated to it by the Convention, and that the well established legal maxim, that delegated powers cannot be delegated, applied to the resolution now before them. He was opposed to the resolution, though he desired to have the journal printed, in order that it might be placed daily on their table, and that it might progress with their progress.

Mr. DAVIS of Montgomery sincerely hoped that they would have no more legal arguments about delegated powers, &c. One week of the Convention had already been wasted upon that subject, and he knew that if they did elect a secretary, or authorize the appointment of one as this resolution contemplated, it would be of very little importance; neither their acts, nor the constitution they might form would, in either case, be void. He was in favor of the resolution, because it looked to the performance of the work —the printing of the journal and the binding of it in strong books— in accordance with all past legislation. The only difference was the pay at $3 a day, while he understood the Legislature allowed a copyist last year $3.50. If gentlemen would move an amendment changing the pay to that amount, he would have no objection to voting for it. There was, however, no such thing to be expected

as having the journal upon the table every day, there was no precedent for such a course.

Mr. THOMAS made some remarks, when the vote was taken on the amendment and adopted, and the resolution as amended was decided in the affirmative—yeas 76, nays 43.

Mr. GREGG moved to take up the report of the committee on the Executive Department, made some days ago; which motion was carried. He then, the chairman of the committee being absent, moved that it be made the special order for Tuesday next. Carried.

Mr. PRATT said that Mr. MARKLEY had been called home on particular business—sickness in his family—and had requested him to beg a leave of absence for him for ten days. Granted.

Mr. EDWARDS of Sangamon submitted a resolution instructing the committee on the Legislative Department to inquire into the expediency of incorporating a number of stated provisions on several matters, into the constitution.

Mr. WITT moved to amend by striking out so much of the resolution as required the committee to inquire into the modes of taking the census hereafter. He said that the committee had agreed upon that matter and upon a very different mode than that contained in the proposition of the gentleman from Sangamon. It would be well to have a vote upon the matter now, in order that the question might be tested, whether the plan proposed by the committee would meet the views of the Convention, if not, then the committee would feel themselves instructed and would report accordingly.

Mr. THOMAS suggested that the resolution was one directing an inquiry by the committee only, and, even if the committee had determined upon a plan, could do no harm; moreover many would vote for the reference who might be opposed to the propositions contained in the resolutions and that could be no test vote.

Mr. EDWARDS of Sangamon said that he had hoped the resolution would have been permitted to go to the committee without debate. He was opposed to the amendments offered by the gentleman from Greene. His object in presenting the resolutions was to direct an inquiry as to the best mode of stopping all

electioneering for offices either under the State or general government, by members of the Legislature, or through the friends of the members, or by reason of their weight or influence, also, that no member of the Legislature should hold or be eligible to any office created by the Legislature of which he was a member, or the salary of which had been increased by that body while he was there. He had offered them, because he thought that perhaps the committee might not have had all these subjects under their consideration.

Mr. DAVIS of Montgomery said, that he had no doubt but the Convention, when the committee should report, would agree with them in the main principles set forth. But the present resolution was merely one of inquiry, and there could be no harm in adopting it, nor would it interfere in any way with the report of the committee, which he understood had been agreed on.

Mr. CHURCH said, he would like to see the form of the oath contained in one of the resolutions amended.

Mr. EDWARDS explained that it was only an oath to support the constitution.

Mr. DEMENT said, that the committee had inquired into the matters contained in the resolutions, and that the subject of the first of them—the time and mode of taking the census—had been settled by that committee, and if the Convention had no objection it was desirable that a vote should be taken upon the subject at once, and the matter tested. He had no objection to the inquiry, but the committee had inquired into the subject, and had come to a conclusion, and why not have a test vote now, and say whether this resolution contains the views of the Convention. He asked that the vote might be taken on this resolution separately. The yeas and nays were demanded.

Mr. LOGAN said, that he could not see how this vote could be a test. Many were in favor of referring the resolutions who might be in favor of the report of the committee.

Mr. NORTON said, he was desirous to give his reasons why he should vote in the affirmative. He was not prepared to vote for the proposition of the gentleman from Sangamon, but if any gentleman proposed a mere resolution of inquiry, as he understood

this to be, he would always vote for reference, and, if the yeas and nays were called, he desired that the reasons of his vote might be expressed.

Mr. CHURCHILL read a proposition bearing on the matter, which he would like to offer if in order.

The demand for the yeas and nays was withdrawn, and the resolution passed.

Mr. CHURCHILL moved a suspension of the rules, to enable him to present a resolution. Lost.

BANKS

The resolution of instruction to the committee on Incorporations, and the substitute therefor—offered on Friday last—then came up in order.

Mr. GREGG offered the following amendments to the amendment, as a substitute therefor:

Resolved, That the committee on Incorporations be instructed to inquire into the expediency of so limiting the power of the General Assembly as to prohibit the establishment of corporations, or associations, with banking privileges, except on the basis of the following provisions:

1st. The General Assembly shall have no power to pass any act granting any special charter for banking purposes, but corporations or associations free to all the inhabitants of this State may be formed for such purposes under general laws.

2d. The General Assembly shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association, or corporation, issuing bank notes of any description.

3d. The General Assembly shall provide by law for the registry of all bills, or notes, issued, or put in circulation as money; and shall require ample security, by the pledge of public stocks, or otherwise, for the redemption of the same in specie.

4th. The stockholders in every corporation and joint stock association, for banking purposes, issuing bank notes, or any kind of paper credits to circulate as money, shall be individually responsible for all its debts and liabities; and to make provision for the payment of such debts and liabilities they shall be required

to furnish unexceptionable security of twice the amount of their respective share in any such corporation or association.

5th. In case of the insolvency of any banking association, the bill holders thereof shall be entitled to preference of payment over all other creditors of such association.

6th. The embezzlement of the funds or property of any corporation, or joint association, for banking purposes by any officer or agent thereof, shall be deemed felony, and it shall be the duty of the General Assembly to provide for the punishment of such felony, by imprisonment in the penitentiary.

7th. No act of the General Assembly authorizing corporations or associati[o]ns with banking powers shall go into effect, or in any manner be in force, unless the same shall be directly submitted to the people at the general election next succeeding the passage thereof, and shall be approved by a majority of all the votes cast at such election.

8th. Any general law of this State authorizing the creation of corporations, or associations, with banking powers may be repealed by the General Assembly.

Mr. GREGG said, that he desired to express, briefly, a few of the considerations which had induced him to present the proposition. He was opposed to banks in any shape or form. He would be in favor of an entire prohibition of them. He was one of those who believed banks, in any shape, manner or form, to be an unmitigated evil, and that their consequences were always disastrous and destructive to the people. He was not prepared then to go into a discussion of the question of banks and banking, but when the matter should come before them, from the hands of the committee, then he would enter into the subject more fully. It had been indicated by votes that had been taken—a manifest intention has been shown by the Convention, that there should be banks of some description. A majority of the Convention had made this manifest declaration. The question then presented to us was, "shall we leave the power to create these banks, or to adopt a system of banking, with the Legislature or with the people?"

Should we leave the Legislature with a power so great, which will, if put into force, affect the wealth and prosperity of the whole State.

He was opposed to this. He was unwilling to leave the power to adopt this dangerous and destructive system with any body but the people themselves. If there was a determination on the part of the Convention to adopt some system of banking, let us present it to the people in the most modified form, and permit the evil in the least objectionable shape, and it will go to the people who will vote understandingly upon the subject. He thought his proposition presented the odious evil in the least objectionable form; people could vote upon the proposition itself, instead of voting for men to frame the system. He believed banks to be great evils in any shape and any form. If the Legislature was to be trusted with the power to credit those institutions, let us place restrictions upon them, so that they may clearly see their powers and limits; but if the people are to be afflicted with any system of evil, he thought they should have every opportunity of voting understandingly upon the subject and of saying in what way it should be done. He was not prepared now to enter further into the discussion of the question, but would at some future time, go into a full exposition of his views and of the proposition submitted. He did not think the convention was prepared to discuss the matter now, and he was in favor of referring all the propositions to the committee on Incorporations.

Mr. CHURCHILL was in favor of referring the whole subject to the committee of the whole.

Mr. THOMAS would prefer that we should have the report of the committee on Incorporations on the subject, and then go into the committee of the whole, and discuss the propositions together. He would suggest that when such things as a system of banking were to be referred to the people for their approval or condemnation, you denied the people the right of selecting a system they might be in favor of, and if allowed a choice, would select a system very different from that which you presented to them, as contemplated by the substitute offered today; the submitting to the people whether they would adopt a particular plan, was not extending to them much of a privilege.

Mr. GREGG said, that when the committee should make a report, the whole subject would again be discussed, and he saw

no use in such a course as debating the subject now, and when the report was made, to discuss it all over again.

Mr. DAVIS of Montgomery thought the question might be discussed now as well as at any other time, and he was in favor of proceeding at once. He was in favor of an unqualified prohibition to be inserted in the constitution. He was not willing to declare or admit that the majority of this convention was in favor of banks. Nor was he one of those who acting thus would propose a system of banking. He did not believe in gentlemen asserting that they were opposed to banks in any shape, and then proposing a system of banking! Let those who say that banks are evils, come out boldly and meet the question, and first say that there shall be no banks. He would vote to make it the special order for 2 o'clock this day. He was afraid they would get less in number by delaying the question; the prohibition party was already in a small minority. He was certain they would get less by postponing the debate, particularly when we see those who say that they are opposed to all banks proposing schemes of banking without showing any sort of fight. There were some ready to come up to the rack anyhow, and he hoped the debate would go on now.

Mr. LOGAN said, he rose to defend the gentleman from Cook (Mr. GREGG) from the attack of the gentleman from Montgomery (Mr. DAVIS.)—There was little or no difference between the plan proposed by the gentleman from Cook and an entire prohibition, for he was sure that if there was to be no bank in the State except according to the plan proposed, no application would ever be made for a charter. He was in favor of taking up some one of the questions now, and, before the committee blocks out the system, or the article go[es] into the constitution, we could give them some intimation of the opinion of the Convention on the subject.—If the Convention should come to the conclusion to have no banks, why, they could so inform the committee; if they determine to have banks, they could agree in some way upon the restrictions; and again, if the power to charter banks is to be given to the Legislature, say whether it shall be given with or without restrictions; if with restrictions, define them. He thought this question of banks the most important—the main question—to be decided by the

Convention; that is, the most important controverted subject they would be called to act upon. He moved to refer it to the committee of the whole, and made the special order of the day for Friday next.

Mr. HAYES hoped the resolutions and amendments would all be referred to the committee upon Incorporations instead of the committee of the whole, when gentlemen were not prepared to discuss the matter at so short a notice. The gentleman who had proposed the substitute was in favor of referring it to the committee on Incorporations, and he thought the Convention should do so. He differed from the gentleman from Bond, in supposing that the number of those whom they voted with on this subject, would grow less by delay: on the contrary, he thought it would be better for them to fight some definite plan, and to have some scheme to rally against.

Mr. GEDDES was rather astonished to hear his friend from Montgomery charge upon the gentleman from Cook. There appeared to him but little difference between them; they both looked upon banks as a hydra-headed monster; the gentleman from Montgomery proposed to kill him right out; the gentleman from Cook proposed to chain him, and the gentleman from Jefferson offered to knock him in the head after he was chained. It was all one thing. He would vote for referring the matter to the committee on Incorporations.

Mr. HENDERSON said, he would prefer that the committee should first make a report, so that the Convention might have something tangible before them to discuss. He moved a reference to the committee on Incorporations.

Mr. DAVIS, of Montgomery, was still in favor of giving the whole subject to the committee of the whole, because he thought that those who were opposed to banking would have the best way of meeting all the propositions for and against banks and banking. He saw that the great objection to going into a discussion now comes not from those who are opposed to banking, but from those tender-footed gentlemen who are more than half in favor of banks and yet are opposed to them.

Mr. PALMER, of Macoupin, differed from the gentleman last up in this particular, though not on others. That gentleman

was orthodox upon the real subject. He was not in favor of proceeding now with the discussion. He thought the friends of the banks ought to come forward with their proposition, and then we could oppose it. We were altogether on the defensive, and he much preferred a regular field fight to this system of guerrilla warfare. This question of banks was the most important one that would come before the Convention, as it would affect the future interests and prosperity of the State, and it depended on our resistance to defeat the evils. If they were to be beaten, and the State was to have banks, he would prefer that the friends of these institutions should prepare that system which their wisdom and experience would allow. If the rights of the people were to be invaded let it be done by the friends of the system.

Mr. THOMAS said, that it was much better that the committee should first report before we commenced the discussion, and when the committee had reported one plan, these propositions of the gentlemen, or any others, might be offered as amendments, and in this way the whole subject would be regularly before them. He would say to the gentleman from Macoupin that upon this question he might find himself in a position not altogether on the defensive. We may adopt banks or a system of banks, and then when the gentleman comes to put restrictions upon them, he will find himself attacking the right of the people to have such an institution as they thought proper. If this matter was to be discussed, he desired to have the whole subject before them and gentlemen would be obliged to show their hands.

Mr. PALMER, of Macoupin, said, so far as he understood the sentiments of the people of Illinois, he considered that those who spoke of having banks should always speak of restrictions upon them.—He was certain that no one dare send to the people a system of banking without attaching to it many restrictions. He stood there on the side of the people, behind a prohibitory clause, and while his party presented a perfectly invulnerable barrier to protect the people from any such system as banks or banking, the other party were compelled to come forward with a restrictive policy; something put around the plan to sweeten the dose, and showed that they were unwilling to turn the monster unrestricted

upon the people. He thought that the proper mode of discussing the question was to have some definite plan or proposition before them, for if we turned the Convention out upon the sea of banks and banking systems, they would be weeks at it before they came to any conclusion upon the subject.

Mr. HURLBUT was in favor of referring the whole subject to the committee of the whole, as he thought it would shorten the discussion and have a principle decided at once.

And the question being taken on referring the propositions on the subject to the committee of the whole, it was decided in the affirmative—yeas 71, nays 50.

Mr. KNOX offered a series of resolutions in reference to the qualification, &c. of free white male inhabitants of the State to vote; which he moved to refer to the committee on Elections and Right of Suffrage.

Mr. WHITNEY moved to strike out the word "white" wherever it occurred in the resolutions; and the vote being taken by yeas and nays, was decided in the negative—yeas 7, nays 137. The resolution was then referred.

Mr. DAWSON offered a resolution directing an inquiry, by the committee on Finance, in relation to the school fund.

Mr. HOGUE offered a substitute; which was accepted.

Mr. LOGAN offered an amendment; which was accepted.

And then, on motion, the Convention adjourned till to-morrow at 9 A. M.

XIV. WEDNESDAY, JUNE 23, 1847

Prayer by the Rev. Mr. BARGER.

Mr. DAVIS of McLean presented a petition of a number of citizens of McLean county, praying the Convention to adopt some constitutional provision, for the appointment of a superintendent of public instruction with a liberal salary; which was read and referred to the committee on Education.

Mr. EDWARDS of Madison, from the committee on Education, reported the following resolutions:

Resolved, That the committee on Education be instructed to consider and report as to the propriety of a constitutional provision for the security of the college, seminary and common school funds from conversion or destruction by the Legislature; also, for the establishment of such a system of common schools as will, by taxation, combined with the State funds, afford the means of education to every child in the State, and for the appointment of a State Superintendant [*sic*], with an adequate salary to give effect to such a system.

In presenting the reported resolutions from the committee Mr. E. said, that the first object contemplated by the resolutions was to secure the fund belonging to the college, seminary and common schools from all misappropriations from its true and sacred object.

The second was to establish some sure and permanent system of appropriation and distribution of the fund, combined with a fair and reasonable taxation and the State funds, give such credit and security that every child in the State of Illinois may have the invaluable and incalculable advantages of education. The third branch of the resolution had reference to the appointment of a State Superintendant of education. There could be no question of the necessity of providing for the security of the college, school and seminary fund—which necessity arose from the large amount of the fund—from being squandered by the Legislature for purposes different from the object of the fund.

The amount of the fund was $800,000 and was fast accumulating from the 3 per cent. fund provided by the general government. It was true that one-sixth of this 3 per cent. fund was appropriated by the general government for the purpose of building a university, but fortunately for the State no time had been prescribed by law for the completion or commencement of this work, and the Legislature has wisely appropriated the whole of it to the school fund. The greatest care should be kept of this fund, and its purposes and objects should be guarded and protected from any control or disposition of [it] by the Legislature. It should be esteemed by all as a sacred trust in the hands of the State, whose duty and interest it was to see properly administered.

He would cite one instance of this kind—the Transylvania Institution, which was at one time one of the most promising and flourishing institutions of the character in the country, but which, by improvident legislation, owing to the curious state of politics of the time, had been reduced and dwindled down to an institution but little above a common school. It was an essential element in the establishment of common schools with a large fund, that it should be so provided that the fund should be permanently and safely invested and the interest distributed all over the State, and thus secure the benefits of education to the youth of every town and village in Illinois. He would appeal to the experience of the president and other members of the Convention to the danger of improvident legislation, of the attempts to distribute the fund to the several counties, and thereby to lose the whole; while the best and only safe plan was to have the fund all remain permanently invested and the interest only to be distributed. He was not prepared to say that the Convention can make any such provision as to secure permanency of this fund. The great difficulty with the people was the many changes, and the uncertainty of the present system; the spirit of innovation was forever at work and the people are always in the dark; the changes were so often and repeated that they could not know how the matter stands. He hoped that something would be done. The last part of the resolution looks to the appointment of a State Superintendant of instruction, and in support of that appointment he would refer to the example and experience of other States; and he had no fear

of contradiction when he said that in no State had they succeeded with their school funds, without establishing such an office. New York, Massachusetts and Ohio, all have an officer of this kind, and through his influence, labors and experience every township and village in the State had a school. He would like to present to the members of the Convention the report of the superintendant of public instruction of Ohio, and when the Convention would see the labor of that officer and its results, upon the system of education and the fund, he would think the matter settled.

Let them look at the complicated machinery of the administration of this office, its various sources of information and the facilities with which all errors could be corrected, and no man could deny the utility of the office. But he was met with the expense of such an office. Sir, said he, we are met here in the capacity of a convention to reform our system in all its branches; we may save an immense amount of money by applying the pruning knife of retrenchment to the several departments of our government, and in so doing he was willing to go as far as any man in the principle of economy, but not in a niggardly picayune system.

Let us apply a portion of this amount saved to the payment of this officer and the people will not complain. We may then go, after saving this amount from other branches of the government, before the people and show them that we have economized all the expenses of the State, and saved them annually much more than the salary of this officer, and in view of the immense benefits they will derive from the administration of the school fund by him, no county will receive his appointment without approbation.

The labors of the office of Secretary of State are too much and too arduous to enable him to do justice to the exofficio office of superintendant of public instruction.

Mr. E. here read an extract from the report of the Ex-Secretary of State, now a member on this floor. Mr. E. pursued the subject for some time pointing out the many advantages flowing from a general diffusion of knowledge and a complete system of education among the people, he painted the beneficial results of such institutions in the most vivid and glowing terms, and hoped that some encouragement would be given by a constitutional provision, to young men who were poor and now in obscurity. In conclusion

he said that since he had been here he had listened with pleasure and profit to the maiden efforts of several young men, who had themselves derived benefits from education, and he appealed to them to lend their aid in laying the foundations of a good, sound and perfect system of common schools, which would afford other youths an opportunity to become a benefit and ornament to their country. To the older ones he deemed such an appeal unnecessary.

The PRESIDENT said that he had suffered the debate to proceed, being unaware that there was a resol[u]tion pending at the adjournment of the Convention yesterday.

The following resolution, as modified, then came up before the Convention:

Resolved, That the committee on Education be instructed to inquire into the expediency of adopting a constitutional provision for increasing the common school fund, and to prevent the Legislature from borrowing any portion of the school, college or seminary fund in [the] future.

Mr. LOGAN offered to amend by adding thereto, "to defray the ordinary expenses of the government," also the following:

"And that the same committee be instructed, also, to inquire into the expediency of providing by the constitution that the moneys hereafter received from the school, college and seminary funds shall be invested in the bonds of this State at their market value; and, also, that the interest on bonds so purchased shall be punctually paid, to defray the ordinary expenses of the State debt."

Mr. DEITZ moved to add, after the first amendment of Mr. L., the following:

"And that hereafter the first moneys that shall come into the treasury in each and every year shall be set apart for payment to the proper authorities, or persons entitled by law to their respective proportion of the interest annually accruing upon the school, college and seminary fund."

Mr. LOGAN advocated his plan of adding to the school fund. He illustrated the operation of it thus: His proposition was, that the State should authorize the commissioner of the school fund to go into the market and invest it in bonds of the State of Illinois. Thus with the school fund you could buy, with one hundred thousand dollars, two hundred thousand dollars worth of the bonds—

putting the market value of the bonds at 50 cents.—The State, then, would pay the interest on two hundred thousand dollars into the school fund, the school fund would be doubled, the bonds would be out of the hands of foreign creditors, and no one would be injured. Mr. L. expatiated at length on this plan of increasing and benefitting the school fund.

Mr. DAVIS, of Montgomery, opposed the plan as reflecting on the honor and integrity of the State. He thought that it was not honorable or just for the State, after having, by unwise, if not worse, legislation become in debt, and then depreciated her own bonds, to go into the market and buy them up at half their value, and appropriate the profits of the shaving to pay its debts to another fund.

Mr. CONSTABLE said, he was in favor of the resolution of the gentleman from Sangamon for three reasons, and would be glad to see the whole of the school fund invested by the school commissioner in the State bonds. His reasons were, that the school fund would be doubled or greatly increased; that the debt would become a domestic instead of a foreign one; and that the people would gladly and willingly pay the taxes to meet the interest upon the bonds, when they knew they were contributing to a fund so beneficial to themselves and children.

Mr. WEST made a few remarks in opposition, which led to an explanation by Mr. C. and Mr. LOGAN.

Mr. THOMAS was not only in favor of the plan proposed by the gentleman from Sangamon, but he would go further and require that the fund belonging to every township in the State should be invested in State bonds, and then the people would more readily pay their taxes, being conscious that every cent they paid would be going for the advancement of their own interest and the benefit and education of their children. It would also lead to the permanency and perpetuity of the institutions of the State, to have her debt all owing to the various townships and funds and citizens of her own State. He cited the cases of France and Great Britain, whose debt was held by her own citizens, and to this he ascribed the safety of England from a revolution.

Mr. TURNBULL opposed, briefly, the adoption of any system

compelling the townships to invest their money in State stock or in any way other than at present, or than the people desired.

Mr. BROCKMAN said, that he approved of the plan if he understood it properly. If this money was invested in the school fund and the interest paid out to the townships in gold or silver, or in par funds, he was with them; but if the interest was to be paid out as it is now, in Auditor's warrants of depreciated value, he would oppose the whole system.

Mr. ARMSTRONG was opposed to any such disposition of the township funds as had been shadowed forth by the gentleman from Morgan, because it was now invested in good mortgaged property, and the interest was paid in gold and silver. He was opposed to the system of furnishing the counties with their respective shares of the school fund in Auditor's warrants, when the people paid their taxes in gold and silver.

Mr. CHURCHILL said, that for the past two years, at least, the Auditor sends the money to the school commissioner, and if they receive nothing but Auditor's warrants it was the fault of the officer. He was opposed to any distribution of the fund in any shape, manner or form.

Mr. KENNER made a few remarks in relation to the difficulty in obtaining teachers for the schools, when they were to receive nothing but Auditor's warrants for their pay.

Mr. DAVIS of McLean was in favor of the plan of the gentleman from Sangamon, and also that spoken of by the gentleman from Morgan. He could see no possible objection to the former, as it was the most feasible plan of increasing the school fund with advantage and without doing the least injury to anyone. It might be called a crying shame were the State to send a man into the market to buy up her own bonds at a depreciated value, and thus avoid the payment of half her debt; but not so if the commissioner of the school fund make the purchase of the bonds at the market value, as the State would still have to pay the whole amount of her bonds with interest. He would show how much the school fund would be increased, by supposing a case. Say the commissioner with $100,000 of the school fund bought up, at the market value, bonds of the State amounting to $200,000. In the first place, the amount of the school fund would be doubled, and when

the interest on the $100,000 would be $6,000 that on the $200,000 would be $12,000, thereby increasing to double the amount the sum to be distributed for the purposes of education. And who was to lose? No one. And the children all over the State would be greatly benefitted by this increase of the means of education. Mr. D. then pointed out the vast benefits which, in his opinion, would follow from the investment of the township funds in this stock, in comparison to the present system of loaning it out to private individuals.

Mr. SHERMAN opposed everything like a provision directing the investment of the township fund in stocks of the State. In his county they had an excellent fund, upon which they received 12 per cent. interest; they paid their teachers in cash, and he did not want the Convention to come there and make them invest it in State bonds bearing 6 per cent. only—and that, too, in Auditor's warrants.

[Mr. DEMENT said, admitting, for the sake of argument, that there is nothing immoral or improper in the State using her school fund to pay up her own bonds at their present depreciated market value, the resolution seemed to him to be placing the character of the State in a most unenviable position. The whole project, when taken together, contemplates, under the agency and action of the State, by solemn constitutional provision, not only to provide for purchasing the bonds, at a brokerage rate, from the creditors, but it carries with it a determination to make a palpable distinction in the payment of interest in favor of the bonds held by the State. Mr. D. said, I say State, for I cannot separate the State from the people—or make a distinction between one fund, owned by the people of the State, and another. Any act which may be performed by the State, for the benefit of the people of the State, and their children, and particularly in the most imposing of all forms—by a convention of the representatives of the people of the State, assembled to remodel their organic law, will never be viewed in any other light by the civilized world than the act of the State—the people of the State.

It will be useless for us to say that it is intended for a separate department of the State government—that is for a special purpose.

In the minds of the disinterested we cannot make a distinction, particularly when the proposition is coupled with the provision that the interest on the bonds, bought by the State, shall be punctually paid out of the first money in the treasury, while at the same time we cannot pay more than *one* per cent. on bonds of a similar character held by our creditors, who have the public faith solemnly pledged for their redemption.

When our creditors contemplate the character and full force of this project, it does appear to me that quite a different impression will be created upon the minds of our bondholders than some gentlemen anticipate. I think it more likely that they will see in the scheme a disposition to speculate and shave our own obligations, and that having the power to "prefer our creditors," we unblushingly prefer ourselves as a creditor of ourselves. After we have taken this step, so partial to ourselves—so yielding to a feeling of unjustifiable cupidity, it will be useless for us to allege that it was done for a laudable purpose—for the enhancement of a sacred fund.

I am aware, said Mr. D., that it is a forcible appeal to the popular impulses—an appeal in favor of the education of the youth of our State, but the objections I urge are an impassable barrier between myself and the project. I would gladly support any feasible plan for the augmentation of the school fund, but it must be an honorable one. We all, doubtless, have the same object in view, but differ as to the means of attaining that object.

There is another objection which I have, which is, to the practical effect which this mode of increasing the school fund must and will have upon the people in the way of a tax; not direct, but which seems to me not altogether indirect. For illustration: say we now raise a direct tax of $50,000 per annum, and pay it out as interest on the school fund. Now suppose, to make the illustration clear, that we were in a situation to invest all the school fund in States bonds, at fifty cents to a dollar, with a view to double the principal nominally, and to double the interest substantially, and in fact, and at the same time contemplate the prompt payment of the whole amount of school fund now doubled by this honest(?) speculation, as gentlemen please to consider it, will we not have to provide for the payment of the additional

$50,000 of interest per annum, by a direct tax upon the people? which must be in addition to the present heavy rate of taxation, or by absorbing that much of our present means of paying the interest we are now paying on our bonds. I think this will be well understood by our bondholders as, to some extent, practically repudiating the interest, at least, on our debt; and the people will, understand, distinctly feel the additional tax. But gentlemen say this is only to effect the subject so far as the school fund shall hereafter be received, but, sir, if the principle is not right in the whole extent, it cannot be because the transaction is small or limited.

I object, also, said Mr. D., to sending an agent into the market with this sacred fund, intended to store the minds of our youth with knowledge, and an appreciation of correct morals and principles, subjecting it to the losses and misfortunes heretofore experienced in our monetary transactions. I doubt the propriety of risking this money in this wild speculation, when I am impressed that it is more than suspected that there are large amounts of spurious bonds in circulation so like the genuine that the men who made them can hardly distinguish the true from the false.[23]

Mr. LOGAN asked if the gentleman from Montgomery, who opposed this amendment, was prepared to say that the debt to the school fund should fare the same fate as the other debts of the State and that no provision should be made towards its payment. We were not able to pay our debt, but should we neglect to advance or increase our school fund, until we were able to pay that debt. We had a right to prefer debts. It was a well established legal principle that a man can prefer a debt in one creditor's hands to that of another. If this plan be adopted and we purchased these bonds the people will have no hesitation to pay the whole interest when they know it is to be applied to the advancement of education, and the means of improving the morals and integrity of the people. The present question before them was a single one; the propriety of appropriating the school fund to the purchase of these State bonds. It had nothing to do with the township money.

[23] The full report of Dement's remarks printed in the weekly *Illinois State Register* of July 2, is here substituted for a brief general summary.

That was another question and he did not want his proposition to be prejudiced by having other subjects connected with the discussion of it. He had lived in this county fifteen years, and he was certain that the question whether the township funds turned out profitable or otherwise depended on the sort of men you choose for your commissioners. During the whole of the time he had lived here, they had had prudent commissioners, except for two years, then the commissioner squandered a large slice of the fund. He might also instance a case of the same kind that occurred in Macoupin.

Mr. GEDDES was in favor of the plan of the gentleman from Sangamon, because it made the fund permanent and safe and increased it. He was also in favor of the suggestion of the gentleman from Morgan.

Mr. KNOWLTON expressed himself at some length in favor of the amendment and in reply to the gentleman from Lee. He could see no dishonesty in the plan and would view it merely as a business transaction. Those who held the bonds might or might not sell their bonds at 50 cents, no one could compel them to take less than the full amount, and they might retain them till the State was able to pay the whole sum. He was opposed to the proposition that the township fund should be used up in the purchase of the State bonds.

Mr. KNOX said, that the only question with him was did the plan if carried out affect the honor or integrity of the State. He did not think that anyone there believed the State could with its present resources, ever be able to pay the interest on the State debt. And how was it to be paid? When, by the increase of population the wealth and means of the State were enlarged. And in his opinion the proceedings of this Convention had much to do with it. Suppose we go to our creditors and tell them our circumstances and ask them shall we make a provision in our constitution for the education and moral improvement of our children, he was sure they would reply, yes, do so, and let it be a liberal one. There is a provision in our law, made by the Legislature to build school houses, and the property of non-residents was taxed to pay it, and he had heard some of them say they were glad that such a tax had been levied, because it would increase the value of their

lands. He would vote for the resolution of the gentleman from Sangamon.

Mr. MASON thought that so far from the present question involving a principle of dishonesty, on which ground objections had been made, that it presented itself most favorably in a moral point of view. There were many who held our stock, which was now very low, and who could not afford to live on fancy stocks or upon promises to pay, which never were redeemed, and, if in case this passed our stock would rise in the market as he was sure it would, these persons might dispose of it to some advantage.

Mr. THOMAS moved the previous question. Ayes 65—Noes 66; not seconded.

A motion to adjourn till to-morrow was lost. Ayes 48.

On motion, the Convention adjourned till 3 o'clock, P. M.

AFTERNOON

Mr.DEITZ briefly explained the nature of his amendment.

Mr. ROUNTREE said, he was not in favor of binding the Legislature to invest this fund in the State bonds, but he would like to see it so amended as to read—"in stocks most safe and productive," and the interest only to be distributed. He thought it very probable that in twenty years the proposition of the gentleman from Sangamon might appear a little exceptionable.

Mr. WILLIAMS thought it sufficient only to understand the proposition to be in favor of it.

Mr. LOGAN apologized for speaking again upon this question, inasmuch as he felt a great interest in it; it was one of his hobbys [*sic*]. After some remarks upon the practice of the Legislature in drawing the gold and silver belonging to this fund for the purpose of paying their per diem, he said he thought we were on the eve of some great speculation. And he appealed to the Convention not to leave with the Governor and Legislature, the power of investing this fund in any scheme they thought proper. Very soon some person or another would have a railroad or a plank road company, and it could be calculated up that by investing this fund in the stock that it would yield some 18 per cent. The Governor would, if permitted to act according to the suggestion of the Legislature be sure to invest it in some moonshine stock which, like when the

system of internal improvements was before them, would be shown by figures "which could not lie," would yield immense profits. The fund would be safe in the State stock, but if you left the power to the Legislature, to invest it as they thought proper, they would run mad as they had run mad before.

Mr. DAVIS, of Massac, inquired what was to be done for the interest on those bonds not bought up by this fund? And being answered that it was to remain as at present, he opposed the discrimination as unjust to the other holders of the bonds.

Mr. BROCKMAN said, he thought when he told the gentlemen in the morning that he was with them, that the bonds were to be purchased at par, and not at the market price. Understanding now that this was contemplated he would vote against it. States, in his opinion, were like individuals, and what was dishonest in an individual was dishonest in a State. Things cast their shadows before them. It was said we were on the eve of a speculation, and the first thing going that way was a proposition to swindle the creditors of the State. It had also been said that the constitution would not live long enough to see the State debt paid; he was afraid it would not live at all, although it was yet in embryo, so many odious plans and provisions were to be engrafted upon it, he did not think it would be adopted. He supposed another part of the speculation would be in relation to a bank, but when that come[s] before the Convention we will attend to them.

Mr. PALMER, of Marshall, said, that he had listened to all that had been said upon the question, and his mind had come to the same conclusion before the discussion that it had now. He had looked at the foundation of the two debts of the State of Illinois; the first was contracted by the State with individuals who lent us the money, they at the same time acting as their own agents, and he had always thought that both parties were in fault in relation to the matter. Though not in the Legislature, he read the newspapers and journals of the day—indeed, they were his reading except when engaged with the bible and other religious works. He thought the State unwise in the undertaking, and the gentlemen who loaned the money should have known that the works could never be completed.—The other is a sacred debt—it is a debt of the orphans and widows. It always took two parties to

a covenant. Illinois had an agent who stood up for her, but the orphans had no one. The State laid hold of this sacred fund, and appropriated it to pay their own expenses; and now, when they call for their share of the fund, they receive Auditor's warrants. He was in favor of honesty, and could see no injustice or dishonesty in the plan now before them. The stocks of the State were not in the hands of the original holders, but were held by brokers and stock-jobbers, and if any person desired to buy them up they were at liberty [to] do so, and at the very lowest price, and why not Illinois do so with her school fund; particularly when the fatherless and the orphan, who can never expect a schooling except by the school fund, were in numbers throughout the State. He hoped gentlemen would all take it upon themselves to assist the widow in educating the rising generation, and after that he would vote for taxation to pay the whole debt. He had been a stickler for 40 years on the side of honesty, and had fought in the cause of honesty and religion, and almost 66 cold winters had rolled over his head while engaged in the study of honesty, yet he had been unable to discover the least dishonesty in the whole plan.

Mr. ARCHER said, that as this was a mere resolution of enquiry, he would vote for it. This was a question of the utmost interest, and this debate which has ensued on a mere resolution of enquiry gave evidence of the deep feeling on the subject. He was not disposed to discuss it in its present shape, but would remark that he could not see those glaring faults in the plan, which others pretended to have discovered.

Mr. WOODSON advocated the adoption of the resolution, because, by investing the school fund in this way, no harm could be done. If he understood the plan, it was to invest a portion or the whole of the school fund in State bonds, which could be purchased, say at 40 to 50, and thereby double the amount of the fund, and of the interest that would be distributed for the purpose of education. Who could be injured by such a plan? Illinois would be greatly benefitted. The bondholder could not complain, for the very fact of this investment would enhance the value of the bonds. If, therefore, it was not unjust to them, was it immoral to make use of the fund. If not unjust nor dishonest, we have a right to prefer the credit or whom we will pay.—This was a principle

of law, so well settled that no lawyer would deny it. This fund belongs to the children of the State, and she has a right to invest it in such a way as is best for their interest. If this plan was not dishonest, enhanced the value of the bonds, was not unjust, injured no one, and increased the fund—why should not the Convention act in the matter? The Legislature had been dishonest in appropriating the money, and the Convention should adopt some measures to close the door against anything further of the kind.

Mr. NORTON was in favor of giving this resolution the course of all resolutions of enquiry; he would vote for it, but he was not altogether prepared to vote for the plan set forth by it, because he feared there might be many serious and unsurmountable objections to it. He thought well of the school fund, and was ready to go with anyone, in furthering and advancing the cause, but he was unwilling to adopt anything unjust or dishonest. If he understood the proposition correctly, we were to go into market to buy up our own stock at a depreciated value, and at the loss of our creditors.—Would they not say to us, it is your duty to educate your children at your own cost and not ours. He supposed that no one would say that it would be just were we to buy up our bonds and thus get rid of the debt, but the excuse for the present plan is, that it is not for the benefit of the State but for the youth. Mr. N. then stated the plan in detail, and said, suppose we did buy up one hundred thousand dollars of the bonds, on which the State was now paying two per cent., and add it to the school fund, where we will have to pay six per cent., where would this difference of four per cent. come from? It would come from our other creditors and bondholders, for if we were now able only to pay two per cent. of interest on our debt, would we not be reducing our means to pay even that, if we paid six per cent. on that portion of our bonds thus purchased by the school fund. Well might our creditors say, that we should educate our children ourselves, and not by using their means. And, sir, there may be persons holding these bonds who are not able to contribute to the education of our children, and how can they educate their own children? He said the same principles would apply to the State as to individuals. Suppose, said he, I had a quantity of my paper afloat which I was unable to pay, and it was worth but 40 cents, at the same

time there was in my hands a legacy belonging to my child, would it be honest in me to buy up with this fund a portion of my own paper, and then, by thus doubling the legacy, devote all my means to the payment of the interest on my paper thus held by my child? He thought not. Mr. N. pursued the subject at some length, and, in conclusion, said that he might be wrong in his views, and if satisfied that it was proper and just, he would go heart in hand with the gentleman.

Mr. KINNEY of Bureau advocated the plan contained in the amendment.

Mr. THORNTON made a few remarks in reply to Mr. NORTON, and the question was taken on the amendment proposed by Mr. DEITZ, and it was carried—yeas 76.

The two other amendments were then adopted, and the resolution as amended was passed.

The report of the committee on Education, submitted this morning, was then taken up.

Mr. GREGG hoped the resolution reported by the committee would be postponed till Saturday, as the gentleman from Jo Daviess, who was chairman of the committee, was absent and would be till that day. He was in favor of the resolution, and concurred with the gentleman from Madison in every word he had uttered.

Mr. EDWARDS of Madison hoped the resolution would be postponed.

Mr. CHURCHILL moved to postpone till Tuesday.

Mr. WILLIAMS thought it unnecessary to postpone as the resolution was one of simple inquiry only, and which might as well be passed now as at any other time.

Mr. EVEY expressed a similar view.

Mr. GREGG then moved that the subject be postponed till Monday next.

Mr. KNOWLTON did not think it was necessary for the chairman of the committee to be here, for a proper discussion of the subject.

Mr. SERVANT thought the resolution might be referred without debate, but if they were to debate it he thought courtesy would favor a postponement.

Mr. PINCKNEY advocated a discussion at once, as he understood that the committee had reported the resolution to elicit from the Convention an expression upon the subject.

Mr. CONSTABLE offered the following amendment to the resolution:

"Also, as to the propriety of creating a sinking fund connected with the debt due from the State to the college, school and seminary fund, so as to provide for its early repayment, and the investment of that fund in the bonds of this State at their market value, at the same time contemplating the prompt payment of interest on the bonds so purchased by the said fund."

The amendment was adopted, and the resolution as amended was passed.

Mr. JONES made a report of the majority of the committee on the Revenue; which he moved to lay on the table and two hundred copies be printed.

Mr. THOMAS made a report from the minority of the committee on the Revenue, which was laid on the table and two hundred copies order to be printed.

Messrs. THOMAS and Z. CASEY made some remarks, each upon the nature of the reports.

[Mr. THOMAS moved that it be laid upon the table and printed; and accompanied the motion with some remarks in relation to the views entertained by the minority of the committee. Revenue, he remarked, lay at the very foundation of government, and without it a Government could not exist. This being admitted, he said, the great consideration was in regard to the subjects or objects of taxation. The minority had attempted to make some specifications in regard to this matter; and their reason for doing so was, that it was a thing which was not usually found in the constitutions of other States; and the consequence was that disputes more frequently arose in the legislatures of those States, upon the subject of taxation than upon any other subject. It was desirable, as far as possible, to place this subject beyond dispute. There had also in this State, been great difficulty and much controversy in regard to the mode of taxation. That difficulty had grown out of a provision in the constitution of

Illinois which was not found in many, if in any, of the constitutions of other States, and that was, that property was to be taxed according to valuation—so that every one should pay a tax in proportion to the value of the property which he possessed. This provision of the constitution it was argued by some, excluded from taxation the persons of citizens, and it was contended that it took away the right of the State legislature to levy a poll tax; and that was the reason, perhaps, why no poll tax had been established since the organization of the State government. Another question of great difficulty had arisen, and [was] discussed very extensively, in the courts of law, in regard to the manner of ascertaining the value of property, and what taxes were to be assessed. There was great difficulty in ascertaining the value of property, in a large taxable district, because its value was so much a matter of opinion, that it was hard to get an agreement of opinion from even three persons in the same county.

It had therefore been contended by some that under the constitution, as it now exists in Illinois, the legislature had no power to fix a valuation upon the lands throughout the State in any other manner than by appointing persons to make a valuation; and the laws which had been passed, and imposed upon the State ever since it was a State, fixing a valuation and classifying the lands, were unconstitutional, because, as it was said, the legislature had no power to do it. That provision of law had been changed, he believed, in 1828 or '29, and the lands were valued thereafter according to their true valuation. It was then found that the revenue of the State fell short, and that we had not the means of going on with the State government. This made it necessary for the State government to fix a minimum valuation; and they fixed it at three dollars per acre. This, he had no doubt, was done with an honest intent; and it was very possible that the men who voted for that minimum were satisfied that by doing so they placed a large quantity of the lands of the State at a valuation greater than they were really worth; but they had no other mode of getting along. They had to adopt some method, and this was deemed the most expedient. He supposed that if, in the same minimum law, there had been a provision that all the lands should be taxed in proportion to their true value, there would have

been an equality of taxation; because, if the poorest land was valued at three dollars per acre, it would be easy to calculate what the richest land would be worth. It was desirable to get rid of the difficulty under which the government had so long labored in regard to this matter; and this was the object of the minority of the committee in reporting a classification, and a valuation by the legislature. The operation of it would be, that the legislature would provide for the classification of lands, and there would be one man appointed in each county to classify it according to quality and situation; and when this had been done, its valuation would be found prescribed in the law. This provision, it would be perceived, was expressly intended for the raising of revenue; but he hoped that gentlemen would not take fright at it until they had examined it, and considered the true situation in which the matter stood, because without some such provision, by which revenue could be collected, we might as well give up our system of government at once. A government could not subsist upon credit. Our auditor's warrants were down to eighty cents in the dollar, and now the school fund was about to be taken away from the legislature; without such a provision, therefore, this convention might as well adjourn, and give up the State. He made these remarks by way of apology for introducing into the convention a proposition which looked so strongly for raising a revenue.

It was true that the legislature might so provide as to make the valuation very small or very large; but there were limitations on the power of the legislature, and upon the power of the county officers executing the law, which were essential to certainty in the assessment and collection of revenue. If these provisions were omitted in the constitution which was to be formed, the legislative department would have unlimited power over the subject; and they would be in the same condition in which they had heretofore been. He hoped that no gentleman would form an opinion against the proposition without looking at the consequences which would result from a different course.

Mr. Z. CASEY said he imagined that the question upon the merits of the proposition was not now properly before the Convention, the present question being to lay upon the table and print the report of the minority of the committee. He might be per-

mitted to say, however, that the difference, as he understood it, between the two propositions from the committee was simply this: that, while one proposed to ascertain the worth of property by a valuation, to be made by inspectors appointed for that purpose, and when the intrinsic worth was ascertained, to fix upon it a rate of tax sufficient to answer the purposes of government; the other contemplated that there should be an arbitrary valuation fixed upon the property. He was opposed to an arbitrary valuation. It seemed to him that the other mode was the proper one; in all other respects he approved of the report of the majority of the committee. He would not oppose the printing of the report of the minority; he hoped it would be printed, that the whole subject might be brought at once before the convention, and fairly discussed and decided.][24]

Mr. DEMENT, from the committee on the Legislative Department, made a report—a motion was made to print—and then, on motion, the Convention adjourned.

[24] This account of the speeches of Thomas and Casey is taken from the *Sangamo Journal*, July 1.

XV. THURSDAY, JUNE 24, 1847

Prayer by the Rev. Mr. HALE.

The motion pending, to print 200 copies of the report of the Legislative committee, made yesterday, was decided in the affirmative.

Mr. CONSTABLE introduced a resolution directing the door-keeper to contract for a sufficient amount of ice for the use of the members of the Convention.

Mr. SCATES offered an amendment—"for such members as choose to pay therefor."

Mr. SERVANT offered an amendment—"that no person shall use any of the said ice unless he furnish his portion of the money to purchase the same."

Mr. WITT moved to lay the amendments on the table. Carried.

Mr. SERVANT was opposed to laying the resolution on the table. If he thought that his constituents were not willing that he should have a lump of ice in this hot weather he would leave the Convention and go home in disgust. A motion was made to lay the resolution on the table, and the yeas and nays were ordered. They resulted—yeas 108, nays 34.

Mr. ARCHER, from the committee on Organization of Departments and Officers connected with the Executive Department, reported back sundry resolutions, with amendments to the constitution—that the Auditor of Public Accounts shall be elected every four years, and a salary of $1,000; a State Treasurer elected for a term of two years, and a salary of $800; a Secretary of State to hold office same time as Governor, with a salary of $800; and that the General Assembly should authorize the advertising for proposals for public printing, to be let out to the lowest bidder; and that the subject of a State's Attorney be referred to the committee on Judiciary. Which report, on motion, was laid on the table, and 200 copies ordered to be printed.

Mr. GREGG, from the committee on the Division of the

State into Senatorial and Representative Districts, reported a resolution calling for 30 outline maps, and printing 200 copies of the census.—He stated, that the committee were unanimously of opinion that the maps should be had. It had been ascertained that no copies of the census were in the office of the Secretary of State, as had been suggested the other day, and it would be conceded that it was necessary they should have the census printed for their use.

Mr. ECCLES doubted the necessity of procuring the maps.

Mr. WEST said, he had inquired at the Auditor's office and had been informed that the maps could be furnished by Monday next, at a cost not exceeding six bits each.

Mr. EDWARDS of Sangamon said, he had a map that had been furnished him at the last session of the Legislature, which had cost but 50 cents; it was at the service of the chairman of the committee. His map had the population of every county marked upon its face.

Mr. SHUMWAY offered an amendment, "that the number of free white population in each county should be marked on the maps." Carried, and then the resolution was adopted.

Mr. SCATES offered a resolution, that the committee on Finance be directed to inquire into the expediency of reporting a provision to tax the government lands; which resolution, after explaining it, he moved be postponed till Wednesday next.—Carried.

Mr. DAWSON offered a resolution directing an inquiry by the committee on Rights, to report a prohibition of duelling Carried.

Mr. WEAD offered a resolution appointing a special committee of eleven to inquire into the expediency of abolishing the county commissioners' court, and report a plan of organization of townships. Carried.

Mr. GEDDES offered a resolution that the committee on Military Affairs should inquire into the expediency of adding to the 2d section of the 5th article of the constitution a provision that all persons who do not perform military duty should pay a fine of from fifty cents to a dollar, which should be added to the school fund.

He said, that from his little experience in such matters, he had come to the conclusion that our present military organization was a mere farce. Nine-tenths of the people do no military duty; he did not know, but supposed it was owing to the inefficiency of the law. It had become so now, that no one but those who pleased did military duty. If the constitution of the United States did not require otherwise he would like to see the whole system abolished. These fines would amount to a considerable amount, and if added to the school fund would be a good increase. Military training had become useless, for if they desired to effect anything they should be kept together a week and do camp duty.

Mr. CHURCH offered an amendment—"that any poll tax levied and collected shall be in lieu of military duty."

Mr. BROCKMAN opposed any fines for a non-performance of military duty; he was in favor of a full organization. In his county they were organized better than in any other in the State, and they collected no fines.

Mr. SHIELDS moved to lay the resolution and amendment on the table. Carried.

Mr. ROUNTREE offered a resolution that the committee on the Revenue should be instructed to inquire into the expediency of reporting a provision in the constitution fixing a maximum rate of taxation to continue for —— years.

He said, that he desired that the committee should report a maximum rate of taxation, beyond which the Legislature could not go. This course would, in his opinion, do away with much of the prejudice now felt by emigrants against settling in our State, and which, owing to our large debt and the necessity for taxation, deters many from coming here who otherwise would. It would allay all doubt and uncertainty about the amount of interest each man would be called upon to pay, and our citizens would be able to fix a real value upon their land. It would throw light upon the pathway of the emigrant, and he may be induced to settle in Illinois instead of seeking more favored lands unburthened with a public debt. In fixing this maximum, a due regard should be had to the rates as fixed by our adjacent States, so that we should not exceed theirs, and turn the tide of emigration from our own soil into theirs. This was manifest, for if we fixed it at $2 and

Missouri at $1, she would get all the emigration, and if we fixed it too high we would be adopting the best plan of rendering the surrounding States more advantageous for emigrants than our own. He thought that, inasmuch as retrenchment would be carried into the various branches of the government, our present rate would be sufficient.

Mr. ECCLES suggested that the object of the gentleman would be accomplished just as well when the reports of the committee, made yesterday, came before the house, by offering his plan as an amendment. The majority of the committee had reported a system of taxation *ad valorem*, and the minority a classification and a *minimum;* when these came properly before the Convention, if he thought proper to change either, he might move in the way of amendment.

Mr. ROUNTREE replied, that we had the *ad valorem* principle now, and the rate fixed was two mills. The object of the resolution was to inquire into the expediency of fixing the rate of the maximum.

Mr. DAVIS of Montgomery, thought the resolution ought to pass. He was in favor of fixing in the constitution a rate of taxation above which the Legislature should never go, and another rate below which it should not fall. We should settle this matter permanently and break of[f] the system of demagogueism practised by candidates for the Legislature. The great theme on the stump was that we were taxed to death, and that the taxes should be reduced, and these men came here to carry out this scheme, and the matter was never settled. It would also serve the character of the State abroad, when it would be known that we had fixed in our constitution a permanent rate of taxation to be applied to the payment of our State debt, and to wipe out the black stain of repudiation which was upon us.

Mr. SCATES had no objection to a resolution of inquiry but he was satisfied that this Convention would never adopt a maximum rate of taxation. Revenue was as vital to a government as blood is to the human system, and in attempting to measure the amount of it was too often destructive to the whole system: suppose in a case of rebellion or civil insurrection, or of a foreign invasion, when the whole and the utmost means of the people would be

required for the defence of the State, we are stopped by a constitutional provision from raising the necessary means to meet the emergency, a constitutional provision restraining us from increasing the taxes. The only maximum he would vote for would be 50 cents on the dollar, because he believed that half of our property would be sufficient for any emergency. A maximum by law was not so bad, because that could be repealed, but not so with one in the constitution.

Mr. THOMPSON said, that he had had an opportunity of testing this matter two years ago when travelling in the Eastern States. He had then an opportunity of becoming acquainted with the opinions entertained in relation to this State, and was astonished to hear the deep rooted objections and prejudices against emigration to this State, on account of our debt. He returned and on the boat he met some six or seven hundred emigrants, and they said they were going to Michigan; he asked them why not come to Illinois; why not stop at Chicago? They answered, Illinois has a debt too great. And to carry out what the gentleman from Jefferson said about the life blood of the system—they added—you touch one jugular, with your heavy taxes, the very moment we come there. After he had got home, he looked over some statistics, to see how Illinois stood, in this respect, with other States in the Union, and found that we stood much lower than many other States. He believed that if this matter was left with the General Assembly, it, being governed by patriotic desires to encourage emigrants, would never have high taxes. He said that he believed that the prejudices existing against Illinois, was [*sic*] the work of other States, and their agents. He would vote for the resolution.

Mr. Z. CASEY said, that perhaps it would be proper in him to state that this subject had been enquired into, and discussed in committee, and they thought it would be better to report, and let the Convention fill up the rate of the maximum, below or above which the Legislature should never go, or at least until certain objects had been accomplished. He would suggest that as the committee had reported, it would be as well, when that report came up, for the gentleman to present his plan, and not to ask the committee to re-enquire into a question which they had acted upon.

Mr. ROUNTREE said, he would rather the resolution should go back to the committee.

Mr. HARVEY said, that he was always in favor of voting for resolutions of enquiry, but his mind was so made up, and his opinions so fixed, upon this subject, that for once he would vote against even a resolution of enquiry. If we were to fix a rate in the constitution, and the people were to become more able to pay their debt, here was a barrier against their paying it, except in the slow means which this rate would allow. He was not afraid of the debt, or of the people's not paying it. The idea of repudiation is not entertained by any of the people, and he was prepared to say, for he had not the information before him nor did he know the amount of the debt, but that the people now were able to pay the whole amount of interest. He hoped the resolution would not even go to the people.

Mr. HARDING said, he hoped the resolution would pass. He was not willing to give the Legislature unlimited power of taxing the property of the people.

Mr. LOUDON made a few remarks, when the previous question was moved and seconded.

And the vote being taken on the adoption of the resolution, it was carried.

Mr. KENNER offered a resolution, directing the committee on the Legislative Department to enquire into the expediency of drafting a provision prohibiting the Legislature from passing any law the power to pass which is not expressed in the constitution. And also that the yeas and nays should always be taken on the final passage of every bill, and that a majority of all the members elect shall be necessary to pass a bill.

Mr. CONSTABLE said, that as the committee have already reported on this subject, he moved to lay the resolution on the table.

Mr. THORNTON asked him to withdraw, and he said there was a difference between the report and resolution.

The resolution was then laid on the table.

Mr. KITCHELL offered a resolution, directing &c., the committee on Law Reform to provide for a prohibition of the Legislature amending any general law, till the same be published. Carried.

Mr. CHURCHILL offered a resolution, appointing a committee to inquire into the agricultural, mineralogical and other resources of State; which was carried.

Mr. CAMPBELL of McDonough offered a resolution, directing the president to issue certificates to the members for the amount of their pay and mileage to the 24th inst.

Mr. DAVIS of McLean, moved to lay the resolution on the table; which was lost.

Mr. CONSTABLE hoped the resolution would not pass till its propriety had been discussed. Though he did not admit that we were governed by the law of the Legislature, still as it was the opinion of the Convention, we should conform to its provisions. He doubted whether we had the power to withdraw money from the treasury until we had completed the session.

Mr. GEDDES, though not himself in want of money, there might be some gentleman who had need of the money, and they ought to be permitted to have it.

Mr. PALMER, of Macoupin, read from the law, and said, there was no force in the objection and the only question was, should the members have it. He thought they ought, and the objection was untenable.

Mr. WOODSON offered an amendment to the resolution, "that such sum should not exceed two dollars a day."

Mr. DAVIS, of Massac, moved to lay the amendment on the table; the yeas and nays were ordered, and resulted, yeas 78, nays 60.

Mr. CONSTABLE moved to amend by adding that "the president should issue such certificates every Saturday."

Mr. DAVIS of Montgomery said, he was not wealthy nor had he much money, but in case he did, he had friends from whom he could obtain what he wanted. But he could not understand how gentlemen, who had voted in the Legislature for four dolls. a day for themselves and for this Convention, and who had voted to take the gold and silver from the treasury, belonging to the school fund, and to the children of the State, to pay themselves with, should now be found voting for this amendment. He regretted this proposition to take $2 a day had been introduced.

He would, in due course of time, introduce a resolution pro-

viding that those who voted for and presented resolutions allowing members $2 a day should be compelled to take only what they voted for, and then let gentlemen come forward with their patriotism and Buncumbe resolutions in proper style.

Mr. CONSTABLE said, it was not very difficult to see that the remarks of the gentleman were directed to him; and he wished to say a few words in explanation of his course in the Legislature, not because any feeling had been excited, for he felt not in any way the force of the remarks. He had performed his duty as a member of the Legislature; the manner in which he had performed that duty had been before his constituents, and he flattered himself that they had shown their approval of his conduct. He was not a $2 a day man. He had voted for paying the members of the Legislature $4 a day, and had voted for allowing the members of this Convention $4 a day, because he thought that sum not too much.

He then explained at length in relation to the appropriation of the money belonging to the school fund. He said that there were men here who held Auditor's warrants—speculators and brokers—and who hearing that the money was in the treasury were about to demand it; and the Treasurer had recommended them to appropriate it to the payment of their expenses.

Messrs. MINSHALL, DAVIS, of Montgomery, and CONSTABLE continued the debate.

Mr. WILLIAMS thought that the Convention should feel themselves under great obligations to the members of the last Legislature, for their kind provision for them of $4 a day. And that we should be more kind and tender towards them in our speeches. They had assumed all the responsibility of making this provision for us and we should feel quite comfortable under their provision, and should speak more kindly of them. He had voted for our receiving but $2 a day, because if we were going to cut down the pay of all future Legislatures we should fortify our precept by our example.

Mr. BOND explained the object he had in view in offering the resolution which he did at the opening of the Convention.

Mr. DAVIS of Massac said, that he was in the last Legislature and had voted for $4 a day, because he thought that sum

was not too much. He had not voted for the bill calling for this Convention, because he considered some of its provisions unconstitutional; however, if the item appropriating $4 a day for the pay of the members of this Convention had been an isolated item, he would have voted for it. The course of the gentleman from Wabash was highly honorable, and tended to break up the spirit of demagoguism. He hoped that they would not leave this Convention until they had fixed the pay of the members of the Legislature at a permanent sum; and thus break up all this contrivance and management about the pay of the members of the Legislature. He was now as he was at the session of the Legislature, and when the appropriation came up to pay the members $4 a day, he had voted for it, because he thought it was not too much for a faithful member of the General Assembly. He did not think we had power to repeal that part of the act of the Legislature which provides for the pay of the members of this Convention; and he had no doubt that if such an act were done that a madamus could be got out and the officer compelled to pay the sum fixed by law. He believed that there were but a very few of the members of the last Legislature in the Convention, but a majority of those who were here were $4 men.

Messrs. WOODSON, DAVIS of Montgomery, LOGAN, CONSTABLE and SERVANT, continued the debate; which, between the two first, became rather excited and warm, and which was prolonged to much length by explanation, queries, &c.

A motion to adjourn was taken and lost.

Mr. PALMER of Macoupin, said, it was to be regretted that so much feeling had been shown—they should learn to take every thing in good feeling, and to give back in the same spirit. He came here from a county where they took and gave everything. He had come here to receive $4 per day, and when he was elected his constituents knew how much he was to receive, and they knew also that he would not take anything less. Gentlemen had insinuated that those who were disposed to take the $4 per day sheltered themselves behind the act of the Legislature. He sheltered himself behind no law. If there was no law, he would vote for $4 a day, because he thought it was no more than just. He would use no special pleading, but he would meet them in the

general issue. He had listened with his accustomed admiration to what had fallen from the gentleman from Sangamon and admired its ingenuity. He had admired that gentleman from the first time he made his acquaintance, for his never-failing ingenuity, and he did not know but that it was, in some degree, owing to the fact that the very first case he (Mr. P.) had in the supreme court the gentleman from Sangamon had trembled him out of it.

He hoped the resolution would pass. Many of the members may want the money, and he appealed to the gentleman from Wabash to withdraw his amendment. Although, said he, I would not care if the money could be drawn out weekly. He knew what he could do with it. And there were many of his constituents who would be very glad to receive weekly remittances from him.

Mr. CONSTABLE said, that after the good natured speech of the gentleman, he would withdraw his amendment.

And the resolution was passed.

Motions to adjourn till to-morrow at 8 1-2 and 9 and 10, A. M., and till this afternoon at 7, 6 1-2, 6 and 5 were made and lost.

And then the Convention adjourned to meet at 4 P. M.

AFTERNOON

Mr. ROBBINS offered the following resolution:

Resolved, That the committee to provide for the alteration and amendment of the constitution inquire into the expediency of amending article 7th of the constitution, by substituting in place thereof, the following, to-wit: Whenever two-thirds of the General Assembly of this State shall think it necessary to alter or amend this constitution, they shall propose such alterations or amendments to the people, and it shall be the duty of the Governor, by proclamation, to lay the same before the people, at least four months before the next ensuing election for members of the General Assembly; and if a majority of all the members of both branches of the General Assembly, elected at the said election, shall approve of all or part of the said proposed amendments, the amendment or amendments so approved of, shall be submitted to the people for their ratification or rejection, and such amendments as shall be so ratified by a majority of the legal voters of this State shall become a part of the constitution.

Mr. KITCHELL offered a substitute, instructing the committee to report an article, &c., differing slightly with the original.

Mr. ECCLES moved to amend the substitute by making it a resolution of inquiry.

Mr. KITCHELL said, he had drawn this substitute with a view of taking the sense of the Convention. The vote being taken, the amendment was carried.

Mr. DAVIS of Massac moved to lay the subject on the table. Lost.

Mr. DEITZ offered an amendment, that amendments to the constitution should not be submitted but once in five years. Lost.

And the vote being taken on the substitute, it resulted—yeas 40, nays 41. No quorum.

Mr. EDWARDS of Madison moved to lay the substitute on the table—yeas 61, nays 37. No quorum.

Mr. WITT moved a call of the Convention, and afterwards withdrew it; and the vote being taken on laying the substitute on the table was decided in the affirmative.

Mr. KENNER offered an amendment.

Mr. SCATES said, he had no objection to a resolution of inquiry, but he would oppose the principle of giving the Legislature power to propose amendments to the constitution. They would never let it alone, but at every session would be tinkering at it.

Mr. CONSTABLE said, if there was any force in the remarks of the gentleman they would apply as well to the constitution of the United States, which allowed amendments to be proposed at any time; yet he did not see that Congress was very often tinkering the constitution. The gentleman seemed to think that the conservative principles of the State was [*sic*] collected in that Convention, and that when we went away it would be forever lost; that the Legislature nor anybody else would ever go right; that all the wisdom of the State was centered in that Convention, and in the gentleman from Jefferson (Mr. SCATES) particularly.

Mr. BROCKMAN agreed with the gentleman from Jefferson. He thought stability was required for our safe government, and that our constitution should not be left open for amendment. He felt confident that the Legislature would be always at work upon it.

Mr. WHITNEY, though he admired the gentleman from Jefferson for the ardor and sincerity with which he supported every view taken by him in the Convention, he was compelled to disagree with him on this subject. He (Mr. W.) had lived in a State where such a provision was in the constitution, and from the years 1821 to 1836 there had been but few amendments proposed—not more than four or five.

Mr. CROSS of Winnebago moved the previous question—seconded and the resolution was adopted.

Mr. McCALLEN offered a resolution in relation to military affairs, but withdrew it at the suggestion of Mr. WHITESIDE, who said the committee were ready to report.

Mr. CONSTABLE offered a resolution, that the committee on Bill of Rights inquire, &c., of omitting the restrictions upon those people who had rights in common in certain lands, and contained in article 8, section 8, of the present constitution.

Mr. SERVANT said, that he had several petitions on the subject, and had written home for some information, and when it arrived he would like them all to go together before the committee.

Mr. CONSTABLE then withdrew his resolution.

Mr. SPENCER offered a resolution that the committee on Rights be, &c., report a provision that property of married women be exempt from execution. Adopted.

Mr. LOGAN offered an additional rule that two-thirds of the members shall be necessary to constitute a quorum for business, but that a less number might order a call of the Convention and adjourn. Carried.

Mr. BOSBYSHELL offered a resolution calling upon the Auditor for certain information. Adopted.

Mr. VERNOR offered a resolution that the committee on Legislative Business should inquire, &c., and prohibit any person holding two lucrative offices at one time. Carried.

Mr. KENNER offered a resolution referring to county organization; which on motion, was laid on the table till 4th of July, 1849.

Mr. BOND offered a resolution that the committee on Rights be instructed to report a provision prohibiting free negroes from emigrating into this State, and that no person shall bring slaves

into this State from other States and set them free, and that sufficient penalties be provided to effect the object in view.

He said, that he thought this the proper time to give this question a fair and calm discussion, and had so framed the resolution as a test. He proceeded to give his reasons for introducing the resolution, and to state the grounds he occupied on this question. In doing so, he said, he had no desire to wound the feelings of any delegate, or impugn the motives which governed other gentlemen who occupied a different position. There was no one who had a greater desire to do justice to that class of unfortunate individuals, called free negroes. But they already had become a great annoyance, if not a nuisance, to the people of Illinois. While he would do the utmost to protect the rights of those who held this kind of property, which was recognized by the domestic institutions of sister States, he would do nothing to fasten more tightly the bonds by which these people were held in slavery. In his part of the State he had seen little settlements of these free negroes spring up, and their object was to aid slaves from the south to escape their masters. This was not right. But while he would not go to a man's stable, unlock it, and steal therefrom a horse, he might, if he met a negro whom he thought was escaping from his master, not ask the man to give an account of himself, and thereby stop him in his flight. He considered that there was no use of extending our philanthropy in favor of these people, unless we were willing to admit them to the privilege of the ballot box, and give them all the rights of freemen and citizens of a free republic. Can we, or ought we to, do this? He would answer nay. After alluding to the objects of colonization, he said, that he wanted no persons to come into this State, unless they came with right to be our equals in all things, and as freemen.[25]

Mr. LOUDON offered an amendment; which was ruled out of order.

Mr. BROCKMAN said, that the people of his county were unanimous in their opposition to the emigration [*sic*] of negroes. The people of Schuyler and Brown were nearly all opposed to it. The negroes have no rights in common with the people, they can have

[25] A much longer account of Bond's speech may be found in the *Sangamo Journal*, July 1.

no rights; the distinction between the two races is so great as to preclude the possibility of their ever living together upon equal terms.

Mr. ADAMS moved to amend by striking out all after the word "resolved" and inserting the following: "the Legislature shall have no power to pass laws of a severe or oppressive character applicable to persons of color."

A motion to lay the amendment on the table was made, and the yeas and nays were ordered and taken—yeas 92, nays 46.

Messrs. CHURCH and PINCKNEY explained their position on this question.

Mr. CYRUS EDWARDS' name being called, he rose and said, that if the vote were taken without a word of explanation, it might be inferred that those in favor of laying the amendment on the table, would be in favor of the adoption of the converse proposition to that contained in the amendment. He wished to exclude that conclusion, as far as he was concerned, and he would therefore state that he should vote for laying the amendment on the table, under a rule which he had prescribed for himself, that in those points where he considered the constitution to be correct as it stands, he would make no attempt to alter it; and in relation to this subject, he considered the constitution as it stands could not be improved by any alteration.

Mr. LOGAN'S name being called, he rose and said that he thought it was necessary to make a brief explanation. It was a subject of a good deal of delicacy and one upon which it was difficult at all times clearly to distinguish between judgment and prejudice. He should vote to lay this amendment on the table, however, upon the ground that he regarded it more in the light of an abstract proposition than anything else. The question as to what laws would be oppressive, was one for the consideration of the legislature, and one which ought to be left to their judgment to determine.

Mr. MINSHALL'S name being called, he observed, that he considered such a provision as that embraced in this amendment wholly superfluous, and, he thought, the constitution, therefore, ought not to be encumbered with it. He would vote for laying the amendment on the table.

Mr. SERVANT'S name being called, he said he adopted the reasons stated by the gentlemen from Madison and Sangamon, and would vote yea.

The yeas and nays being taken they resulted as follows:—yeas 92, nays 46.

The question then being on the adoption of the resolution—

Mr. BOND desired the yeas and nays.

Mr. CHURCH would not make a speech, but desired to offer a few remarks. Gentlemen characterized what he deemed sound principles on the subject under discussion, as abstractions. His object was not to deal in abstractions, but to view matters in the light of common sense. It had been stated that nature had set up a barrier against blacks as a race, and that the privileges of common humanity should not be extended to them. If this be so, nature was wrong; which he was not willing to admit. This doctrine was behind the spirit of the age, and if we were to sustain it, we should be the objects of scorn to the world. Would emigrants from Pennsylvania and others imbued with sentiments of humanity, come to this State, if the proposition made here in relation to blacks were to become a part of our organic law? No, sir; and they would regard such a provision as violating, not only the plain dictates of humanity, but the principles contained in the great charter of our rights—the Declaration of Independence. He desired that on the subject of slavery, the Constitution should leave it where it was left by the Ordinance of '87—that there shall be no slavery or involuntary servitude in the State. Our present constitution provides for slavery as it existed when adopted; and although susceptible of a different construction, slavery was continued for years, under the juggling of courts in their judicial decisions. Gentlemen here have gloried in this as a free State. He would indeed glory in such a State. And he was therefore opposed to engrafting in the constitution any doubtful provision, or one which required every officer of the government, from the Governor down, to be a picket guard, to oppress the colored race.

He wanted the constitution to be worthy of a free State—and to render it so, he would not have it, in the remotest degree, nor by any possible construction, sanction slavery, or oppress the colored race. He was opposed to laws on this subject, which

were a blot upon our statute book, but would leave that matter with the legislature, with the confident hope that the dictates of humanity would control the action of that body, when it shall convene under the amended constitution, if we shall be so fortunate as to perfect a constitution which shall receive the sanction of the people.

Mr. CHURCH moved to lay the resolution on the table.

At the request of Mr. PINCKNEY the motion was withdrawn.

Mr. PINCKNEY said: Mr. President, I hope the motion to lay upon the table will be withdrawn, that I may have an opportunity of explaining.

It was not my purpose to agitate this question unless it were forced upon me; and I should have said nothing upon these resolutions of the gentleman from Clinton, had not the ayes and nays been called.

But as the case now stands, and driven as I now am, and have before been into a kind of dilemma, I claim and shall take the privilege of explaining myself. I have been, by what I consider the indiscreet zeal of gentlemen from the North and South, called upon to place my vote upon the journal, on questions that it did not suit my views either to favor or oppose, in the shape in which they were presented to the convention, but nevertheless, I voted unflinchingly, and without any effort at an explanation.

I am willing, sir, to occupy this position in silence no longer; the position is one forced upon me. It is a very singular position. How does it happen that at the North I am termed a pro-slavery man; and here, by some, an Abolitionist? How does it occur that in passing from my home to this place, about 200 miles, I find my principles identically the same, viewed in so different a light? I know not, except it be that I occupy a middle ground between two parties contending with each other, and as all mediators are, I am obliged to receive the blows and balls of both.

An Abolitionist! Why, Mr. President, I would as soon be called almost anything else on earth as a political abolitionist; and yet, I suppose I must patiently bear it, as there is no remedy.

The gentleman from Clinton has again sprung this question upon me, and the ayes and noes are called. To let it pass as I

have others touching the same points, I cannot; and yet, I will barely explain.

The gentleman says, the time for action upon this subject has come, and we must defend our State. My own opinion was that the time had not come, and therefore I wished to let the matter rest; but, if the gentleman is correct, and the proper time is here in which we should act, it would seem as though we should first wipe out the dark stain that now rests upon our State. It becomes us to remove the foul stigma, which some of our odious laws have brought upon us. I most unhesitatingly assert here before this body, and am willing to declare it before the world, that some of our late laws touching the treatment of negroes are a disgrace to our State; they would be a disgrace to any people claiming to be free, enlightened and humane.

The gentleman has an object in view in moving these resolutions—he would show by making them a part of our constitution—by keeping negroes out of our State under a heavy penalty, that we are determined to protect the rights of our sister States. Rights! What rights? The right to chase an oppressed and unfortunate fellow being through our territory; to drag him to prison; to beat him, and at the same time to prohibit me, or any man on this floor from giving him a morsel of bread or meat, though he be starving? A right to compel us to force a perishing woman from our door; and drive her forth into the pitiless peltings of the midnight storm! Are these their rights? I can not admit them; they conflict with higher authority. They fly in the face of Jehovah. His law calls upon me to feed the hungry and succor the distressed. This with me settles all; and I shall endeavor ro obey it, notwithstanding these *rights*.

Do not misunderstand me; while I would feed the unfortunate hungry negro, I would take no part in stealing or secreting him. The gentleman would put a stop to the system of stealing negroes and running them off through our State. He cannot more strongly disapprobate the "*under ground railroad*" than do I. It is a disgrace to any man to be aiding or abetting that system. I look with supreme contempt upon that man who enters the premises of a master for the purpose of enticing away his slave; who teaches that slave to escape at all hazards; to cut his master's throat; to

steal his best horse, to ride him to death, and then steal another. These things I cannot approve, nor can I commend; nay, I must censure those who countenance them.

The gentleman says, if among us, they are not to have a vote, nor to hold office. My vote stands recorded upon this subject, and it agrees with his views. I am not for passing laws to give them the right of suffrage, but for a different reason from the gentleman's. It is simply this: no class of men in our popular government can enjoy equal rights and privileges with us, until the mass are willing to grant the same, all legislation to the contrary notwithstanding. This alone is sufficient to determine my course with reference to the African suffrage. The people will not yield it. If any man propose to keep these unfortunate persons from our State by just and humane measures, I shall not object. I am in favor of removing them not only from this State, but from all the States, that they may in some other place enjoy human rights and privileges, in truth as well as in name; but I desire it not to be done by violence. I therefore concur with the gentlemen in giving the Colonization Society great praise; it deserves it; it has my best wishes and my warm support.

The gentleman from Brown expressed a view that I was sorry to hear on this floor. Is it possible that he would rather see this a slave State, than have it longer exposed to the ingress of negroes? Is it true that God has made so broad a mark of distinction between blacks and whites, that the latter cannot endure the proximity of the former? My observations here teach me that they are somewhat intimate; but I forbear to dwell on what is so apparent to all, and I leave the subject.

Mr. TURNBULL said he considered this matter as properly belonging to the legislature, if it were necessary to make any enactment in relation to it; but he was of the opinion that as it stood at present it was about as well as they could make it. Nothing was to be gained, he thought, by agitating the question.][26]

Mr. ALLEN said, he saw nothing in the resolutions to call out this discussion. He had listened to the gentleman last up (Mr.

[26] This account, the closing debate of the afternoon session of June 24, is taken from the *Sangamo Journal*, July 1.

PINCKNEY) in his effort to define his position, but really did not know where he stood; on which side, or on both sides. He could not see what this resolution had to do with the present statute laws of the State. It only provided that no negroes should come here for the future. He was in favor of a prohibitory clause against their emigration [*sic*] into the State, for those that were here were good for nothing, either to the state, the church, or themselves. They were all idle and lazy and the part of the State that he came from was overrun with them. It had been the custom for some time for the people of Kentucky, Alabama and other states to bring their old and worn out negroes, and those whom they emancipated, into this State and into his section of country, and the people desired to prevent this, and to get rid of those already there.

Mr. PALMER of Macoupin thought the introduction of this subject was unwise and productive of no good. Almost all the evil growing out of the excitement upon this question had been produced by the persons occupying the extremes of both parties. On the one side were those who were honest, sincere and consistent in their opinion, and men of the most respectable character, who devote all their zeal, ardor and means for the accomplishment of their object; men of the one idea principle; and on the other side was a class of persons who, to check abolition, used the most violent language and often occupied very untenable ground, and they together have contributed, more than anything else, to create the great excitement on this question. He would ask gentlemen to reflect upon the consequences of this resolution. If it was adopted and its provisions inserted in the constitution, a large class of the community would be against its adoption. Why then unnecessarily provoke a battle against the constitution. Intemperance on one side was as bad as on another. Every impulse of his heart and every feeling of his, was in opposition to slavery, and if his acts or votes here would do anything to ameliorate the condition of those held in bondage no man would exert himself more zealously than he; no one would do more to remove the great stain of moral guilt now upon this great republic—but he looked upon every proposition either for or against that object as checking the good

work, and sooner than adopt such a proposition as is now before them, every vote in his county would go to sustain the old constitution.

Mr. EDWARDS of Sangamon moved an adjournment. Carried.

XVI. FRIDAY, JUNE 25, 1847

Prayer by Rev. Mr. BARGER.

Mr. THORNTON offered an amendment to the resolution pending at the adjournment yesterday—providing that the Legislature should have power to make all necessary laws in relation to negroes. In presenting the amendment he said, that he did so because he thought we should leave the matter with the Legislature for their action, and to public sentiment.

Mr. NORTON said, that he desired to state the reasons which would govern him in his vote upon this question, and why he should vote against the resolution and the amendment. He was happy to say that he did not find himself in the dilemma in which other gentlemen were placed. He opposed this resolution because he deemed it wrong in principle and wrong in practice, and could give the reasons for going against it without feeling himself called upon to define his position. He would give his views, founded, as he thought, upon principles of right. The resolution, as he understood it, had two objects—the first, the exclusion, by penal enactments, of all free negroes; the second, a prohibition against their emancipation and settlement in this State. The first of these he considered a direct infring[e]ment of the constitution of the United States, which he, as a member of the Convention, had taken an oath to support, and which was regarded as the glory of the country, and gave us a character abroad. No one would contend that we had the power to infringe that constitution in any of its provisions. That constitution says, "that the citizens of one State shall be entitled to all the privileges and immunities in the several States."

This resolution prohibits free negroes from *coming into the State*. Does that sacred instrument—the constitution of the United States—say "white" citizens. No, sir, you may search in vain in that instrument for the word white, or black, or yellow. What citizens does the constitution recognize?—All native born and naturalized citizens. He would refer gentlemen

to the State of Vermont, no distinction is made in her constitution; there these people have all the priv[i]leges possessed by the whites; they have property and a right to vote. Go to Massachusetts, where he thought they had a little notion of what was liberty—government and right, and there they are entitled to hold property, a right to vote, and, in theory, if not in practice, a privilege of a seat in the General Assembly. These men are citizens of those States. Can we say then that a citizen of Massachusetts, Vermont or New York shall be prohibited from settling in the State of Illinois, in direct violation of an article of the constitution of the United States? If that constitution can be violated in one provision, it can be in another. Was any such distinction contemplated at the adoption of that constitution? Do you think that the men who framed that constitution would ever have permitted the word "white" to go into the constitution? Every delegate in the Convention that framed that constitution from the North—from Virginia and Maryland, would have voted against it. And if they had put it in, the constitution would never [have] been adopted by the people. He came not there to produce excitement by a discussion on this subject. He would rather have avoided it, but by the introduction of this resolution the question had been forced upon them. He would ask the gentleman who introduced this resolution, if he remembered the time, when it was attempted to put such a provision as this in the constitution of Missouri, how the whole north opposed it, and that Missouri could never have been admitted into the Union with that provision in her constitution, without some explanatory clauses. The people would have let her fall into the dust before they would have consented. He was not prepared to say that those born in servitude and yet slaves are citizens, this question did not arise, and he was not disposed to argue it. The first principle of this resolution is unequal, unjust and opposed to the first principles of free government. These colored people came to this country not of their own accord, we brought them here, they cannot get away; it is said to colonize them, how? they cannot colonize themselves. He would not insert a provision inviting them to our State; nor would he have one to prohibit them. Is it just, equal or republican to say in our constitution that an honest colored man, with property and per-

haps education, shall not come to this State because some men of color who are here are lazy? Our armies were now fighting at the south and the probability is that we will extend the area of our freedom, and that States are to come into the Union with people of every stripe and color, and can they come in without full and equal rights? If this clause be inserted into the constitution he would guaranty 10,000 votes against it, and in the county of Will he would guaranty a majority of 1,000. The whole north would oppose it. This resolution was the very thing to produce excitement; such things had been always the cause of it all over the length and breadth of the land. Having thus justified his vote, he did not consider he should define his position.

Mr. DAVIS of Montgomery was not desirous of discussing this subject; but while he was sitting there, willing to let resolutions of inquiry, to which he was opposed, pass in silence, he was not willing that gentlemen should tell him that the green north was opposed to this and that subject, and if it passed, the green north would defeat it. Gentlemen get up here and unblushingly say that negroes are equal to them, and unblushingly say that they should enjoy all the privileges of life, social and political, and then charge the south with having caused the excitement. Who first introduced this matter by a motion to strike the word 'white' out of a resolution, and then moved the yeas and nays upon it. A gentleman from the north. It was the north that had caused this excitement and not the south. When, sir, I get up here and advocate that negroes are entitled to all the privileges of citizenship—social and political—I hope the tongue which now speaks may cleave to the roof of my mouth. There is a barrier between the two races which it is vain to attempt to destroy. He had not arisen to discuss this matter and create excitement, but to repudiate the assertion that our morals should justify us in admitting negroes to the enjoyment of our social and political rights. The gentlemen from the north speak their sentiments, and those of the south have the same right. He said that the object of the abolitionists was to dissolve the Union. He had no more confidence in the abolitionists than he had in the dark and damnable demons of the lower regions.

Mr. NORTON rose—but

Mr. WILLIAMS claimed the floor as a peacemaker. He said the people had gone to great expense in calling this Convention to reform and revise the government, and not for the purpose of speaking or making provisions about negroes or other little things. There was [*sic*] the Legislative and Judiciary Departments which required reformation, and it was for this object that the people sent them there. He regretted that in carrying out these principles they had permitted those subjects to be introduced. He had no fault to find with the mover of the resolution or with those who differ from him.

The question was not an abolition one, nor one to admit negroes to social and political equality—but simply, will we permit negroes, after they have given security not to become a burden upon the State, and complied with our laws, to the poor privilege of cultivating our soil and breathing our air. He was not inviting them to come to the State. The African race had been degraded, not from their own crimes, but they had been raised in servitude and without education. Take the heroes of Buena Vista and Cerro Gordo and carry them into a foreign land, and subject them to servitude, and the 4th generation will be as degraded as the negro race. Mr. W. cited several cases which had come under his notice of negroes working and toiling for money with which they desired to purchase friends and relations then in slavery. In conclusion he said, the resolution was more suited for the 14th than the 19th century.

Mr. WITT moved the previous question.

Mr. LOGAN said, that this was a subject which he had always expected would agitate this Convention. At the same time, it was one which he hoped gentlemen would learn to discuss with temper.—He hoped that the discussion would proceed and with good temper, and that the Convention would listen calmly to what was to be advanced for and against the proposition. He trusted that the gag law would not be put in force on a question which a large number of the people considered of vital importance. He was not afraid to discuss any question on God's earth. He respected the abolitionists and believed them to be honest and sincere, and was willing to listen to what they had to say. He was certain the result would be to leave the constitution as it now

is. The question was one which affected the interests and feelings of a large population of the State, not only abolitionists but others, and he was desirous that their representatives might be heard. Mr. SHIELDS thought that as the question had been discussed so fully in Congress and in other places, no new light could be thrown upon the matter now by a longer discussion.

Mr. HURLBUT hoped the previous question would not be seconded. There was no use in dodging the question, which might as well be settled now as at any other time. He was not to be affected by taunts from the north, nor will he suffer them to be thrown in his teeth from the south. He would discuss it on principles of law and morals.

Mr. DEMENT said, he would vote to sustain the previous question, because he intended to vote upon the question with those gentlemen who desired to be heard. He had heard sufficient from them, even before the discussion, to induce him to go with them on this particular subject. He hoped, therefore, they would not think hard of him when he voted for the previous question. He did not care for hearing an argument when his mind was made up.

Mr. SERVANT opposed the previous question.

Mr. WEST said, that although he was a young man, he did hope the previous question would not be seconded, because he had a desire to express his views on the subject. The county he represented had more of this population than almost any other, and he knew his constituents desired that their representatives might be heard. He would discuss the question with a proper temper.

Mr. MINSHALL was not afraid to hear the discussion upon this or any other subject; and he thought that if any steam had been engendered that it would be better to let it off at once.

Messrs. Hogue, Davis of Montgomery, and Mason, all opposed the previous question, and advocated a discussion now. And the vote was taken and the previous question was not seconded.

Mr. MASON moved to lay the resolution on the table, and that all the laws in relation to negroes be printed.

Mr. KITCHELL moved to lay the motion on the table. A division of the question was demanded, and the motion to print

was laid on the table. The question was then taken on laying on the table the motion to lay on the table, and decided in the negative.

Mr. HURLBUT said, he desired to discuss this question without branching off into a discussion of collateral subjects, or exciting angry feelings. He said he would rather vote for the resolution than for the amendment, because it was more direct; but he would vote against both upon principle. The constitution of the U. S. says, a citizen of one State shall be entitled to all the privileges and immunities of citizens of the other States. It is not in the power of the Convention to infringe this—they cannot get over it. A citizen of Massachusetts was entitled to become a citizen of any other State. The south had raised an enquiry whether the colored persons have the rights of citizenship; that question was not applicable here. The question was, have we the power to say that citizens of those States shall not come here. It will not do for Illinois to say that other States have not the power to make citizens, when she has made citizens of a class of persons in a way unknown to other States. Suppose we should pass a law that a citizen of New York shall not come into this State, how will you enforce it? The constitution of the U. S. directly overrules it. As to the policy of the law: the gentlemen from the counties on the Mississippi, say they suffer from these free negroes —that is one of the evils of all frontier States; that they come there and are a bad population. But have we the power to make a penal law applicable to one class of citizens, and not generally. No doubt the State has power to pass a general law requiring all persons coming into the State, to give a bond not to become a burden on the State. N. York has the power to pass a law, requiring captains of emigrant vessels to observe certain restrictions, but that is only the exercise of an internal police regulation and is general. Let us make a law as applicable to those who come into the State at the north, as well as those at the south, one is as good as the other and the only difference is, that one is white and the other black. Let the law be general; but if we pass a sweeping general law, which is special in its application, it must be apparent that it is unconstitutional. It was a thing which he never would consent to. He was not sufficiently acquainted with

those parts of the State affected by these people to know if these laws are required; but he would believe the statements of the gentlemen, as it was not his design to impugn the assertions of anyone. He would vote against the resolution, if on no other ground, because its adoption would endanger the ratification of the constitution.

Mr. KINNEY of St. Clair said, that the present question was one in which his county felt a very lively interest. It was situated near St. Louis; they had already nearly five hundred free colored persons collected there from Missouri, and they were perfectly familiar with their habits. He was satisfied that a large majority of the people of his county would vote to sustain the resolution of the gentleman from Clinton. Those members from the northern part of the State did not know how lazy, and good-for-nothing these people were. If they did and could witness their worthlessness their opinions would be changed. He was in favor of a fair and calm discussion of this question and saw no necessity for excitement. It had nothing to do with abolition and abolitionists, and appeared to him a mere question of State policy—a political question. It has been said by the gentleman from Will (Mr. NORTON) that he has objections to this resolution because it infringes the constitution of the United States. He says that it guaranties to citizens of one State the rights and privileges of citizens of other States. He forgets that that article of the constitution has been construed to mean that citizens from other States shall be entitled only to the rights enjoyed by the citizens of the State into which they came. Have we not by our present constitution prohibited them from voting—a right enjoyed by citizens of our State—and has not that constitution been ratified by the Congress of the United States. He says we have the power to put these negroes under bond not to become a charge upon the State—this admission is all we want. Suppose a citizen of another State should come here, could we compel him to give this bond? No, sir; we could not. His argument, therefore, is groundless. To carry it out, suppose in another State a negro was entitled to hold an office, and he came here to this State, would he not be entitled to hold office here too? The supreme court of the United States says that citizens of one State shall enjoy the same

privileges as are enjoyed by citizens of the other States. The gentleman from Boone says he holds not to the grounds of the abolitionists, yet, he, (Mr. K.) was much surprised to hear him say that the foreigners, who come to our State, were no better than the negroes. It is not good policy to engraft upon our constitution—the fundamental law of the State—a prohibition against this class of worthless population, and his reason for it was that we are surrounded by a number of slave States, all of whom had an exclusive provision in their constitution against these free negroes. Where, then, do they go? They cannot reside in those States, and they all come into Illinois. When they get old, decrepid [*sic*] and good-for-nothing, their owners emancipate them and send them into this State. We may have laws upon our statute books against persons bringing or sending them here, but how can we enforce it against a man in another State. He would ask gentlemen to look at Ohio, the greatest abolition State in the Union, and when Randolph's negroes were emancipated the agent attempted to settle them in that State, but the people rose in a body and drove them back and would not allow them to come there. They did not want them, they knew what sort of a population they were, and how worthless and degraded they become, and how troublesome they always were. If we would allow the negroes any kind of equality we must admit them to the social hearth. It was then that equality commenced. We must live with them and permit them to mingle with us in all our social affairs, and, also, if they desired it, must not object to proposals to marry our daughters.

Mr. ARMSTRONG moved to lay the substitute on the table, so as to get at the original resolution and make it a resolution of inquiry; but withdrew it at the request of

Mr. WEST, who desired to express his views. He said, that the gentleman last up had alluded to what was correctly the construction to be placed on the article in the constitution of the United States. He said, that it could hardly be presumed that a citizen of the State of Massachusetts should be entitled to the privileges of our citizens. He believed that free negroes living amongst our people was a great evil, and that the best way to remedy that evil was, by a prohibitory clause in our constitution,

to confine them to those free States where they could find a secure and a more equal home. One of the primary influences which induced the people of his county to settle in Illinois, was that they might not only be relieved from the evil effects of slavery, but, also, of a colored population. These negroes were, mostly, idle and worthless persons, and his people were very anxious to get rid of them. He had received a letter from one of his constituents this morning, which said that several horses had been stolen, and that to guard against these negroes, it was almost necessary to keep a watch.

Allusion had been made to Massachusetts. He loved and venerated that State, but there were principles contained in some of her laws which he never could recognize. The gentlemen from the north, who had spoken on this question, had come from counties which have but five, ten, or fifteen negroes; in our county there were 500, and he would say that the evil was 500 times greater. He hoped some provision would pass, so as to have this matter settled and prevent scenes of violence. We had already had such scenes—the scenes of 1837—and they were to be regretted, and they must ever cast a shame upon our State. He had heard it said in the Convention that in the canvass, the tree of public sentiment had been shaken, and that the fruits had been gathered in that hall; and when he looked around him he felt proud of his State, on account of her representatives, and he must be permitted to say, that he never before beheld such an august assembly.

Mr. DAVIS of McLean did not agree with the gentleman from Madison. He could not believe that the evil existed to such an alarming extent. He said that he was in favor of leaving the matter stand as it does in our present constitution, and was unwilling to pass any provision which would endanger the adoption of the constitution. He had no desire to engraft anything in that constitution which would offend the people of any portion of the State. He was satisfied that he was sent here to remedy certain great evils in the government, and after having done so was not disposed to have the work rendered useless or endanger its adoption by this or any other such provision. He would leave the matter for future legislation and public sentiment, to dispose of it as the times should require. He was opposed to allowing people

of color the right to vote, and he regretted that the gentleman from Boone had said that people from other countries were to be put upon a par with negroes. This was casting another fire-brand into the Convention.

Mr. CHURCH said, he desired not to make a speech for the purpose of making one, but merely to allude to some parts which had not yet been touched upon. He asked if such a provision were inserted, how could it be enforced? The laws they had already were not sufficient to keep these people out. He would like to hear some gentleman define this. He had been a little amused, when this question came up yesterday, to hear the gentleman from Sangamon say it was nothing but an abstract principle. [He read from the constitution of the United States, Mr. LOGAN explained.] The gentleman from Montgomery had said there was a barrier between the two races—the blacks and the whites—if there was, why attempt to raise it higher. If nature had placed it there, leave it to nature, and not, by your laws, make the difference wider. Put this provision in the constitution and you exclude more whites from the State than you do blacks. We are unable to extend the report of Mr. C.'s remarks further. He advocated that the matter should be left to the action of the Legislature, and deprecated the introduction of this provision into the constitution as unsafe, unjust, and impolitic. He also asked, if the ordinance was in force, and Illinois a free State, how was it that, at the last census, 380 slaves were returned?

Mr. LOGAN replied to the gentleman last up, and told the gentlemen of the north that when they said that if this provision was inserted in the constitution, that they would all vote against it, they should remember that the north was only a part of the State; that the State had two ends, and if the north voted against the constitution because of this provision, the south had the same right to say they would vote against it if it was not inserted. He advocated for some time a midway policy of leaving the matter to the Legislature. He was opposed to making this provision the all absorbing topic that was to influence the people's votes upon the adoption of the constitution. This would be the case in many of the counties, if this provision was inserted.

Mr. BROCKMAN said, that he was sorry to hear gentlemen

throwing out threats that if such a provision was adopted that they would defeat the whole constitution. The people of his county were much concerned in this question, but they would not reject the constitution upon this or any one subject. If we are to cling to some favorite question, and if we do not succeed defeat the whole, we had much better adjourn and go home. He had been opposed to the reduction of the members of the Legislature, because it affected his county, but if the Convention had reduced the number down to 60, he would have submitted, and would have voted for the constitution. The majority should govern, that was the true democratic principle. He had never heard before that negroes were citizens under the constitution of the United States, and entitled to all the rights and immunities of citizens. Would gentlemen like to see their posterity sitting in a legislative assembly with a mixed delegation, as was the case in other places? We must either admit these negroes as citizens or exclude them. He would vote for the exclusion forever. On motion the Convention adjourned.

AFTERNOON

Mr. JENKINS said, it was perhaps necessary for him to define his position. If the naked abstract question of the right of one man to hold another in slavery were presented to him, he would very probably answer no. But no such question was now before them. He considered that the slaves were in a better condition now than if they were in their own country. He believed the negroes were a degraded race, and could not agree with the gentleman from Adams, that the heroes of Cerro Gordo could ever be reduced by servitude to any such degradation. He conceived this could not be the case, and he would cite the Indian race, which never could be reduced to slavery. The question of slavery was the one which would, if at all, divide the Union, and it must be discussed.—But he considered the question before them as a political one—one of State policy only; and it was, whether, in the present state of circumstances, we should introduce a provision into our constitution to exclude negroes from coming into our State. It had been agreed that we should restrict the Legislature in many things, so as they might not hereafter be disturbed;

and he asked if there were any questions which would be more difficult to settle by a Legislature than the present one, and if there was a more proper time to settle it than the present?—If a man votes for this resolution, he can hardly escape the charge of being inhuman, and of a desire to render the negroes more degraded than at present, but self preservation was the first law, and for the purpose of peace and harmony, it was our duty to so fix the constitution so that this matter should be forever settled. We had only to look at our sister States, and see that this population had led the people into tumult and violence, to know that it was our duty to put a stop upon it. It might, for a while, be a punishment upon them, but eventually result in their own good. It would compel them to fix their residence in those States where they belonged, and the people of those States might do something to benefit their condition. Our friends at the north do not understand our position at the south. They think us wrong, because they cannot see the evils of this class of population among us. They have in their counties but few negroes, whose interest and policy it was to behave themselves. But we have them in large numbers, whole settlements of them, who do nothing, idle away their time, and are as trifling, worthless, filthy, and degraded as in any part of the Union. It had been said that if we put this into the constitution that the people of the north will go against the constitution. Now, suppose we say that if they put into the constitution a power to create banks, which our people are opposed to, will they hesitate because it may endanger the adoption of the constitution? They do not change their course, but insist upon such a provision. If the provision contained in the resolution be put into the constitution and thereby it is defeated, let it be so; it is much better to have this question put at rest. It has been said on all sides that there was no confidence to be put in the Legislature. Why leave this question, then, with them, where it will forever be open to agitation, and by the abolitionists, whose policy was always to agitate.

Mr. PALMER of Marshall opposed the resolution in a few words, and then addressed the Convention upon the benefits of colonization.

Mr. MOFFETT offered an amendment, that if the resolution passed it should be submitted to the people in a separate article.

Mr. BOND said, that it might appear strange that he differed from the gentleman from Adams, (Mr. WILLIAMS) because people had often said that in case that gentleman should drop off first, he (Mr. B.) would be obliged to think for himself. He then replied, at length, to the gentleman from Will, and reminded the Convention that his resolution was only applicable to those negroes who may hereafter come into the State.

Messrs. CHURCHILL, KITCHELL and KNOWLTON, each, made some remarks on the question; which we are unable to give for want of room.

Mr. SINGLETON advocated, in a speech of some time, the adoption of the resolution; and while we have a report of his remarks, we regret that want of space precludes their insertion.

Mr. GEDDES advocated the resolution, and Messrs. DEITZ SHARPE and POWERS opposed it.

Mr. KITCHELL, who proceeded to address the Convention. He desired to see such steps taken by the Legislature as would arrest the increase of the negro population in this State; and he was for leaving the subject to be disposed of by that body.

Mr. KNOWLTON addressed the Convention, in opposition to the resolution. He was opposed to any alteration of the present constitution in relation to this matter. He was opposed to the introduction of any subject that would excite sectional feelings, and he was extremely sorry to hear the terms *north* and *south* so often reiterated in this debate. They were not assembled to make a constitution for a particular latitude; they were not here to consider the interests of one particular portion of the State to the exclusion of another. For his own part, he was for pursuing the course which, to his judgment, seemed the best calculated to promote the interests of the whole State. He could say, as some other gentlemen had done, that he had come here free and untrammeled upon this question, as well as almost every other; and he should endeavor to act entirely free from prejudice and sectional bias. He was for leaving the present constitution exactly as it stood in relation to this matter.

Mr. SINGLETON said, that he had a proposition which he desired to submit, and he would have submitted it, had he been here, when the resolution now before the body was presented, and before the pending amendments had been offered. As he was not, he would not be able to present his proposition at this time; but he desired, before the vote was taken, to make a few remarks explanatory of the position which he occupied upon this subject, and of the views which his constituents, and nearly all the inhabitants of that region of country in which he resided, entertained.

A great deal had been said about the effect which the incorporation of such a provision as that contained in the resolution now under consideration, was to have upon the North and upon the South. It seemed to him that gentlemen should not consider the effect which the incorporation of a principle in the constitution was to have upon any particular portion of the State. The only enquiry should be, was it a correct principle? Was it calculated to advance the interests—to preserve the peace and quietude of the State? These were proper inquiries. But if there was to be a system of log-rolling, if a principle was to be adopted because it was desired by any one portion of the State as an offset for some advantage to be granted to, or gained by another portion, then he thought it would be better to adjourn and go home. No good could be accomplished by acting upon such a system as that. He would vote for what he considered to be right, no matter whether his constituents coincided in opinion with him or not. If he believed that a principle was right, he would not stop to inquire whether it was so considered by the people at large. If he was convinced of its correctness it was all that was required to secure his vote. His own feelings had always been upon the side of slavery. He came from a slave State. He had lost none of his sympathies for slave-holders and slaves. He had a deep sympathy for slaves, for he knew that the conduct of those men in his State and in others, who pretended to be endeavoring to better the condition of slaves, instead of bettering their condition, was involving them in deeper degradation. This question ought to be met with an honest endeavor to preserve and promote as far as possible the happiness of the unfortunate negro, and to set at rest all those animosities which have heretofore disturbed the

country. There was no question which had disturbed, and which would in future disturb and agitate this country so much as this question of slavery. He feared it was to be the power which was to break the cord which had bound us together as a nation. The federal cords he feared were to be broken by it. This union, unless a different course were to be pursued, would be dissolved, and it would be by means of this very question. It would not be so if we were to come up and meet the question as we ought. We were told that we would build up an abolition party, here by the adoption of such a resolution as the present. He cared not though this should be the result.—Were we to be deterred from the avowal of our principles, because by doing so we might array a party against us? This was not a sound doctrine. It was right that there should be some constitutional provision upon this subject. It should not be left to the uncertainty of future legislation. We came here professing to have in view retrenchment.—This he conceived would be a very important step towards that object; for if the question were left open for the next ten years, one-quarter of the time of the sessions of the legislature would be consumed by legislating upon this very question. Petitions would come in, asking for the abolishment of existing laws, and the subject would be continually agitated.

The object of the resolution, as he understood it, was to provide some permanent rule by which both parties should be governed upon this subject. He was aware that a great number of persons had come to Illinois for the purpose of getting rid of slavery, not for the purpose of interfering with their neighbors, and of breaking down the institution of slavery; but to avoid the evils attending that institution, seeking repose, and endeavoring to get rid of the annoyances to which they were subjected in a slave State. Such men had a right—it was their duty to use every means in their power to keep free negroes, as well as slaves out of the State. Now, if we are to have, continued Mr. S., any slavery, that is negro slavery (for God knows we have enough of of every other kind), it is useless for gentlemen to talk about making this a free State. The States have agreed among themselves that no person who is bound to labor in one State, shall escape into another and be protected in consequence of any law in force

in that State to which he has escaped, and this has laid the foundation for a constitutional provision. The United States upon the adoption of a federal constitution, thought it best that a general rule should be laid down upon this particular subject. It was then expected that individual States would each carry out the provision thus inserted in the constitution of the United States by the enactment of State laws. But we see that it has not been done. Pennsylvania at one time decided that the legislature had no power to carry out the provisions, and Illinois decided that it had. For myself, I believe that each of the States had the power, and that we have the power to enforce it by legislation as well as by constitutional provisions. But I prefer that it should be a constitutional provision, in order to give it permanency, in order to avoid that fluctuation to which the laws of Illinois are very subject. Now, are we to leave this subject open, and permit Illinois to be a receptacle for all the worthless, superannuated negroes that slave-holders may chance to send into the State? Sir, it is not because that I dislike the negroes that I object to their coming into the State. I feel a sympathy for them; but this is a matter of self-defence. We are bound as a defensive measure to incorporate some provision of this sort into the constitution. We do not know how soon the question may come up in the legislature, in such a manner as will endanger the peace of the whole State. We know that it is a most exciting question, and by whatever method we can most effectually avoid its recurrence, it will be the best policy for us to adopt that course; and nothing less will do, it appears to me, than the insertion of a provision in the constitution, which will settle the question as long as the constitution remains in force.

Now, it has been contended by those who are opposed to the resolution, that we have no power to do it, because the constitution of the United States provides that the citizens of each State shall be entitled to all the privileges and immunities which are enjoyed by the citizens of another State to which they may emigrate. Now, suppose a person acquired citizen-ship at the age of seventeen in the State of New York, and should then come to this State; would he be entitled to the rights and privileges of a citizen here? No sir, he would be subject to the limitations and restric-

tions which are imposed by the laws of Illinois, in regard to citizen ship. Well, have we not the same power to limit as to color that we have in regard to age? Unquestionably.

It is a curious argument that has been used by some gentlemen, that by excluding negroes we exclude white men. I do not know how this is to operate, unless it apply to some particularly attached friend of the negro, who may feel disposed to follow him. If that be the case, then we should express it fully in the provisions which we adopt. Now, if there are men in Illinois who prefer the society of negroes, if there are men so extraordinarily anxious to associate with negroes, let them accompany their favorites to some locality where their presence may not be objectionable. But in this State, there are men who prefer the society of white men, and who have come here to get rid of an intolerable nuisance. Sir, I could with some patience listen to a proposition for the toleration of the presence of the negroes in this State, if it came from the negroes themselves, but when I have it coming from those who are acting from motives of interest, who are contemplating profit from the presence of negroes in the State, I have no patience. The distinction which God has made between the races can never be abolished. Sir, I do hope that the resolution will pass, and I have here another which I intend to bring before this Convention at the proper time.

Mr. SINGLETON here read the resolution which he had intended to offer.

The objections which will be brought up against a proposition of this sort are the very same as those which are urged against the proposition now before the convention. That this convention ought not to legislate upon the subject, for it is legislating. It is high order of legislation, and those are very questions for this body to legislate upon. Now, I ask is it not proper that we should adopt some permanent provision on the subject? Is it not a question of sufficient importance to demand the action of this body? If not, then let the subject be disposed of at once. If it is, let us say to those who are advocating the introduction of negroes here, and for extending to them all the privileges to which citizens are entitled, that we are not disposed to engage in any thing of the sort either now or hereafter.

But it is said, it is better to postpone the consideration of this subject. Now, I think every man's mind must be made up in regard to it. What would you think of a man who would say to you, I have a negro and you have a pretty daughter, I should like a marriage contracted between them, I do not want you to decide now, postpone your decision until some other time? Now, this is what is proposed here. It is an indirect proposition that the people of this State shall abolish all these distinctions which have heretofore preserved and protected society for the benefit (I do not know whether it is for the benefit, whether it is for the amelioration) of the condition of the negro or degradation of the white population. I did not intend when I arose to detain the convention so long as I have, but it is a subject on which I feel deeply, and it is a question of more importance, I think, than it seems to be considered by gentlemen who have been discussing it. I hope at least that gentlemen will consider well, before they give their votes, whether it is not better to adopt a permanent rule on the subject, than to leave it open to future legislation.

Mr. GEDDES next addressed the Convention. He was desirous that some prohibition against the introduction of a black population into the State should be enacted, but he was apprehensive that the insertion of such a provision into the constitution would create much difficulty, and might endanger its final adoption. If he were here in a legislative capacity, he would feel himself called upon to sustain such a proposition as the one now offered, but he thought it would be better that it should not be made a constitutional provision. He felt deeply for the condition of the unfortunate negro. He regarded slavery as a moral evil, but he did not believe that it could be abolished in the United States without creating ten-fold greater evil. The people of the South he regarded as the best friends of the blacks, and the climate of the South was best suited to them. He thought, therefore, that there would be no hardship or inhumanity in prohibiting them from entering this State; and he would be glad, therefore, to see such a prohibition enacted by the Legislature.][27]

Mr. LEMON was in favor of a prohibitory clause against

[27] This insertion is taken from the *Sangamo Journal*, July 1.

negroes coming into the State for many reasons, which we have it not in our power to furnish. In conclusion, he said, that he did not believe they were altogether human beings. If any gentleman thought they were, he would ask him to look at a negro's foot! (Laughter.) What was his leg doing in the middle of it? If that was not sufficient, let him go and examine their nose; (roars of laughter) then look at their lips. Why, their sculls [*sic*] were three inches thicker than white people's.

Mr. WEAD briefly opposed any provision in the constitution, as the Legislature had full powers to legislate on the matter.

Mr. McCALLEN opposed leaving this matter for future legislation, and advocated the adoption of the provision.

Mr. VANCE moved the previous question.

Mr. PALMER of Macoupin moved to lay it on the table.

Mr. SINGLETON moved an adjournment. Lost. The yeas and nays were taken on laying the subject on the table—and resulted—yeas 80, nays 55.

Mr. LOGAN moved that Mrs. BROWN and daughters have the use of the Senate chamber on Saturday evening, for a concert. Carried.

And then, on motion, the Convention adjourned.

XVII. SATURDAY, JUNE 26, 1847

Prayer by the Rev. Mr. PALMER.

Mr. SINGLETON presented the petition of H. G. Grimsley and others, for a provision in the constitution to prevent the emigration of negroes to, and the emancipation of, slaves in this State. Referred to the committee on the Bill of rights.

[Mr. S. said: It would be a reflection upon the sagacity of the House to attempt to conceal his object in presenting, at this time, the petition that had just been read. The subject had been largely discussed, and on yesterday laid upon the table of this house, where gentlemen intend it shall remain. He was not content with this discussion, or satisfied with the course taken upon the subject of this petition, by honorable gentlemen on this floor. He was determined not to be satisfied. It was a question of importance to the people of Illinois, and so considered by his constituents, and for them he should speak. He had, therefore, availed himself of this method of reflecting the will of his constituents, and of expressing his own deep feelings upon the subject. If I had asked this house to reconsider their vote of yesterday, upon the resolution of the honorable gentleman from Clinton, and that reconsideration had, the proposition would not have been in a shape most acceptable to its friends. In order, then, to present this question to the convention in another and different shape, and at the earliest moment allowed by its rules, the form of petition has presented itself as the only practicable mode.

My object, continued Mr. S., is not to abridge the privileges of the unfortunate negro, except as incident to the assertion of a principle and the correction of a most dangerous and diabolical practice. I speak, sir, upon this floor for my constituents and for myself, leaving to the superior ability of each friend of the proposition, contained in the prayer of the petitioners, the expression of their own views and the feelings of those they represent.

The petitioners have indicated in their prayer to this body,

their desire for such a permanent constitutional rule, upon the subject of free negroes, as will of itself effectually prevent their introduction amongst us, and at the same time prohibit the interference of our citizens with the negro property of our neighboring States, and secure the States and territories of the United States against any violation, by the inhabitants of this State, of those rights which have their foundation in the constitution of the United States, and acknowledged and respected by their laws.

But, Mr. President, it has been objected upon this floor, and elsewhere, that this is not the proper subject of constitutional law. And this objection, sir, comes from a quarter hitherto respected. Shall I believe, sir, that gentlemen who urge this objection are sincere? Shall I be thus free to yield up this question—my high opinion of their legal learning and sagacity? Or shall I concede that it was made for the mere sport of the breeze, and when the storm should rage, new counsel would be heard? Sir, I cannot consent to be guilty of such gross injustice to those gentlemen as would result from an acknowledgment of their sincerity. Do gentlemen who support this objection see that if it prevails, that they have contributed to the attainment of a most important and desirable object by the abolitionists—that it lays the foundation, is the basis, the very platform of all their future operations—that without this foundation no substantial fabric can be erected by them in this State—but upon such a foundation they would erect a superstructure that would last until the hour of a bloody revolution?

But at this point I am met by the arguments of gentlemen on the other side, "that the legislature will have ample power to correct this evil." Sir, I ask the gentlemen in reply, whether this is not a subject worthy of a permanent rule, and that it ought not to be subject to the changes that characterize the legislation of Illinois? And I ask gentlemen, whether the legislature, influenced by the example of this convention, would not rid themselves of the responsibility by postponing the subject to a succeeding legislature, and so on, until the evil shall have subdued our strength, and conquered all our hopes? If this matter is left open for the action of the legislature, away with all hopes of domestic happiness in Illinois. If this subject, of such high importance to

the social condition of Illinois, is not worthy of a place in our constitution, then had we better return to our constituents, never again to ask the honor of their trust and confidence.

Gentlemen have said, that the principles asserted by the resolutions were correct, but could not be enforced without legislative enactments. Sir, the friends of this measure desire for many reasons to take the matter out of the hands of the legislature entirely. Hence, the resolution provides that "the constitution shall of itself contain sufficient power to correct the evils complained of." As a matter of retrenchment, a constitutional provision would be eminently useful to bring the expenses of the legislature within proper limits. All these exciting and time-absorbing questions should be excluded from its jurisdiction. If the question should be left to the legislature, it would become the subject of barter and exchange in adjusting the various interests of the State. Gentlemen representing counties where the evil did not exist, would readily exchange their votes for or against the black laws, as they are called, for the purpose of securing some favorite measure of his [*sic*] constituents. It would at once hoist the flood-gates of corruption, and from the fountain of power would our country be overwhelmed.

But two other objections have been urged to the proposed provision, and with much energy upon the part of their respective friends. The honorable gentleman from Sangamon objects, because in his opinion, it would endanger the adoption of the amended constitution. The gentleman from Boone objects, because in his opinion, the North would reject the constitution, and for the additional high and weighty consideration, that we should be contravening the constitution of the United States. Sir, the constitution of the United States has laid the foundation for this provision; the States conceived it necessary in justice to each other, for their mutual peace and good will, and for the perpetuation of national harmony, that it should be so laid. The second section of the fourth article of the constitution of the United States, is intended to operate upon those only who are held to service or labor in any State or territory within the limits and under the jurisdiction of the United States, and who may escape from such service or labor into this or any other State or territory within the

prescribed limits. The States owe it to each other, that this provision should be strictly enforced, by the adoption of such permanent and constitutional provisions as will effectually prevent the interference of the inhabitants of each, with the negro property of the other. But, Mr. President, this is not the constitutional provision by which the honorable gentleman from Boone (Mr. HURLBUT), seeks to establish the want of power in this Convention to enforce the proposition before it on yesterday; that provision is in these words: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." The gentleman supposes that all distinctions of color *are*, or *may become* unconstitutional,—that if a negro, who by the laws of New York is a citizen, and may exercise the right of suffrage, should emigrate to this State, he would in consequence of the laws of New York, and his emigration to the State, be entitled to all the privileges and immunities of free white citizens of Illinois. Sir, this doctrine is too absurd to excite the least alarm. I apprehend that the gentleman would not insist that a boy of the State of New York, who was by the laws of that State entitled to vote, would upon his arrival here, in consequence of the New York laws, be taken out of the limitations and provisions of our own laws concerning minors? Has New York the right to fix an age of majority for us, and the qualifications of our electors?—Have we not full power to limit the rights of suffrage to those who have resided twelve months in this State? And have we not, sir, a perfect and indefeasible right to limit it to free white men over the age of twenty-one years? The objections of the honorable gentleman from Sangamon (Mr. LOGAN), do not apply to the proposition now before this Convention, nor sir, did they well apply to the proposition which was laid upon your table on yesterday. Sir, we have no desire to encumber the various amendments that will be submitted to the people:—or rather, sir, we wish this proposition not to be encumbered or endangered by any other amendment, and therefore the proposition now before the house is, that it shall be submitted as a distinct and separate amendment. Its friends rely upon its own intrinsic merit, and upon the high sense of popular honor and popular justice. But, sir, suppose it was not proposed to submit this to the people as a distinct and sepa-

rate provision—as was the case with the proposition of my honorable friend from Clinton, are we Sir, to be deterred from doing our duty here, because the gentleman objects that the North will reject the constitution? Has Illinois no other point but the North? Is there no South, no East, no West to the State? Have these points no power, no votes to give, for or against, the constitution? Is the voice of the North to prevail upon this floor to the exclusion of every other interest? Then, sir, let the south, the east and the west unite their feeble voices for their mutual security. If it is the determination of northern men to draw a line of distinction between the north and the south,—if the north is resolved upon a mixed society of free blacks and white population, with equal privileges, then, sir, let the line be formed that my constituents and myself may seek repose upon its southern side.

What, Mr. President, are we to think if gentlemen are truly representing the north upon this subject? How monstrous the declaration they have made! How threatening to the peace and all the sacred virtues of the State! Have gentlemen who would claim for New York negroes, or the negroes of any other country, the privileges of free white citizens of Illinois, sir, inquired into the extent of these privileges? If they have not, sir, let them divide the sovereign power of this State into as many parts as there are free white male citizens over the age of twenty-one years, and each part will be found to contain the privileges of a citizen, they will be astonished at the extent of privileges they claim for that degraded race. Sir, the fairest daughter in the land is not beyond their reach; the highest pinnacle of power and station, is accessible to their ambition; all the refinements of society are crushed and swallowed up in their progress, till not a virtue is left to mark our once exalted and dignified race. There are, sir, upon this floor undisguised abolitionists, who have in this hall voted directly upon the subject of abolishing the distinction of color. Sir, I admire the manly independence of those gentlemen, the color of their flag is not concealed, whilst I hate and despise their principles; but, sir I cannot express the slightest approbation of the conduct of gentlemen, who from various motives have voted with the abolitionists in securing a most important advantage to them and alike dangerous to us. If gentlemen have been actu-

ated by their regard for northern men, and what are here represented as northern principles, then let us have an open avowal,—throw off the flimsy cover of specious theory, and frankly acknowledge their degeneracy, that southern opinion, and southern principles may see and know by what they are opposed.

I cannot, sir, from my knowledge of northern gentlemen and ladies, believe that they are truly represented in all things upon this floor. Among them are many I feel proud to call friends, and to whom the idea of being reduced to the society of negroes would be most frightfully revolting. But, sir, If I did believe it, my course here would not be changed. I have made the proper inquiry of my conscience, and my constituents; they answer that I am right. They are not willing that a handful of abolitionists should trample over the great body of the people of this State, because they threaten to vote against the adoption of the constitution. Gentlemen should not be deterred by such threats from giving their support to correct principles, irrespective of men or places.

The effect of a principle upon a given portion of the State ought not to be considered. Enquire and learn the general tendency, effect and correctness of a principle, and apply it alike to all. But, sir, let me say, if local prejudices are to smother great and permanent principles, that I will pledge my constituents and myself against any constitution that may come from the hands of abolitionists without the desired prohibition. If gentlemen persist in arguing that it is not the duty of this Convention to act upon the question, then, sir, am I willing to meet them upon halfway ground, and strike out from the constitution everything which relates to slavery and involuntary servitude, if nothing but the society of negroes will suit gentlemen. Then, sir, leave every citizen of the State at liberty to introduce slaves if he pleases, and those who do not like the relation of master and servant will have an opportunity of indulging their taste.

The honorable gentleman from Winnebago added one other to the objections already noticed, that if this provision is adopted, it will drive many of our best citizens from the States. Truly, Mr. President, a most deplorable event that we shall lose that portion of our population who prefer the society of negroes to that of their

own race and condition! Sir, if there are such men in this State as the honorable gentleman speaks of, they can now have my leave of absence. Is the time of this Convention to be employed in attempting to reconcile men of this kind? Sir, the world is large enough for us all, and I have no desire to impose any restraint upon the taste of any men, if they are anxious to become the associates of negroes, or if they desire to establish any other relation between themselves and the negroes. I hope they may be indulged, but not at the expense of those who have no such taste or ambition.

When a petition was presented a few days since, praying among other things, that this Convention should abolish all distinction between the white man and negro, I moved to lay the petition on the table until December a year, because sir, it was an insult to this body, who were asked by the petitioners to degrade themselves; abolish all distinction between ourselves and the worthless herd of innumerable wretches that would flock to our State; but, sir, that petition was referred. For what, sir? For mere formal respect to the petitioners! Gentlemen thought and declared that it was right it should be considered. I will again refer to the case I supposed on yesterday—that there are two men living in the same neighborhood, one has a beautiful and interesting daughter, the other, had a well bred negro man in his employment; the latter proposes to his neighbor, sir, I wish you to receive my negro man into your family as a gentleman; extend to him the society of your daughter, and encourage their marriage together. Now, sir, I ask, could such a request be listened to by any man of ordinary self-respect with any degree of patience? Would he indulge the audacity of his unprincipled neighbor by delaying his answer? No, sir! Time is not necessary for the consideration of subject, and the answer, no, with a corresponding action, would put the contaminating wretch to flight. All such petitions contain in substance the same request, and ought to be as summarily disposed of. Members' minds were made upon this subject and they were ready to decide, but out of show of respect the petition must be referred. I have no respect, sir, for such petitions, or those who sign them, nor would I have them believe from this deceptive policy of referring that I had; and I am grateful to know that my

name stands among the independent spirits of this body who voted against its reference.

Allow me Mr. President, to return for a moment to that objection which seems most popular and plausible with gentlemen who have opposed our views on this discussion. It has been reiterated upon this floor, that this subject more properly belonged to the legislature. If it does, then let me ask if this body does not constitute the supreme legislative or law-making power of this State? It is the highest legislative power known to civil society, for whose good government and laws have been instituted—an object worthy of our action and patient deliberation—upon the organization of society governments were erected for their security and protection, and as society lies at the foundation of government, all laws, either supreme or subordinate, should be framed with reference to its preservation and protection. It is our duty to see that it is not crushed and destroyed by the blighting curse of neglect. Society has given birth to power, and in the exercise of that power, its claims should first command our attention, and be the last to be postponed. Whilst the time and attention of the Convention is employed in arranging the length, breadth and power of office, and officers, the mere details of government is a great and paramount principle, to be overlooked, the influence of which is felt everywhere, extending itself to the family altar and the peaceful fireside. Sir, I cannot be content with such neglect of such a principle.

I now come, Mr. President, to consider the effect of leaving this question open, having already adverted to the effect of such a course upon the legislature, and the possibility of a further postponement by that body. I will consider briefly, its influence upon the question of equality as presented by abolitionists, and its moral effect upon the community at large.

Illinois has already been the theatre of outrages which brand her with almost indelible disgrace. The rights of neighboring States have been openly disregarded, the property of our neighbors forcibly taken, and forcibly withheld. Our own halls of justice have been invaded to inflict this violence, and now, sir, the public peace and tranquility, public and private justice, a due regard for the compact between the States, our self-respect, our

peace at home and our character abroad, all unite in demanding a remedy. If this question is postponed, an important point is gained by the abolitionist, without which they could not succeed with their iniquitous schemes; hence they are emboldened by this temporary triumph, they see their influence is felt and acknowledged, they will come out from their hiding places, and that which has been done under cover of night will be openly transacted. The negroes, sir, will be emboldened, and the public highways will scarcely afford them room to pass, such will be the rapid increase of their numbers and consequence.

The States that surround us have taken measures to rid themselves of this nuisance whilst Illinois, with open arms, invites them to her embrace. It is substantially an invitation to the superannuated and worthless free negroes of the south to come within our borders; it gives them assurance of present liberty, and future equality. It is in effect, a license to those who wish to engage in the lucrative business of negro-stealing from our sister States. It furnishes such men with facilities that could not be otherwise supplied, free negroes, thus introduced, become the agents and willing instruments of designing abolitionists; their depots will be erected upon each line of "underground railway," under the superintendence of some bold and enterprising free negro; and Illinois become the receptacle of this worthless and refuse population of all the States.—And we shall not find good citizens from abroad coming here, sir, to seek their society; but, on the contrary, those good citizens of Illinois, not lost to all the finer feelings of their nature, will seek another home. That equality here boldly proposed, will gradually but imperceptibly fix itself upon the institutions of the State. A Nat Turner will spring up to conduct a war of extermination against the whites.

If, sir, in the slave States an attempt to exterminate the whites should have been made, is it beyond the limits of probability, that in Illinois, where all legislation tends to encourage it, that it would also be attempted? The scenes of South Hampton in Virginia, will be re-enacted in Illinois; and the blood of our citizens be the alarming sacrifice. A minority of this body have demanded a remedy, without it their voice can never be still; though small in number, I am proud to be one of them; our position now is that

of sentinels upon the outer walls of the ramparts of social liberty, and our exertions will ever be to awaken Illinois to a sense of her danger. History presents to us an example that gives us hope; the example of our revolutionary fathers forbids us despair.

The patriotism of our glorious revolution first found in the hearts of a few, resisting the waves of British vengeance that lashed our shores, strikingly illustrates the power of the few, when coupled with unconquerable determination; but, sir, there is still another and broader foundation for our hopes, to be found in the more calm and deliberate consideration of this subject, by honorable members of this convention; when they look at the tendency of this great question to break the cords that bind us together as a nation; when they consider the inevitable tendency of their decision, they cannot consent to return to their constituents without repairing the insult and the wrong they have done them.

The effect of this question may be seen in the condition of our federal Union. The strength of our government has so far been equal to every internal division; but, sir, it owes its success to the concentrated power of a united people. The odious doctrine of abolition will "divide and conquer," and too much reliance on the strength of our government exposes us to a weaker power; broad, deep and firm as this government may be in its foundation, bold and commanding in its superstructure, it is not beyond the reach of such odious steps as have been allowed to abolitionists upon this floor. And when the time comes, sir, who will sympathize with Illinois, when the hideous shouts of exultation rise from a victorious negro population in Illinois? What sound but the death shrieks of liberty? Shall we hear it?][28]

PERSONAL

Mr. CAMPBELL, of Jo Daviess, asked to be excused from any longer serving on the committee on Education. He assured the Convention, that in making this request, he was not influenced by any change of feelings or abatement of zeal, in regard to the great cause of education. Whatever situation he might occupy, his best efforts should continue to be directed to the advancement

[28] This speech by Singleton is taken from the *Sangamo Journal*, July 8.

of that cause, upon which depends in an eminent degree the moral, religious and political prosperity of the people.

Mr. GREGG said, that the course of the gentleman from Jo Daviess (Mr. CAMPBELL) was not unexpected to him (Mr. G.) after what had occurred the other day during the absence of that gentleman. I hope, however, said Mr. G., that what has occurred will not cause him to withdraw from the committee where his experience may be so serviceable to the Convention and the State.

[In order to make the report intelligible, the reporter would here state, that Mr. CAMPBELL is chairman of the committee on Education, and for the purpose of obtaining information and statistics, relating to the questions which had arisen and were likely to arise in the committee and the Convention, he went to Jacksonville on Wednesday last, after having apprised the committee of the object of his visit. On the following morning, Mr. EDWARDS of Madison, from the committee on Education, introduced a resolution, that that committee be requested to consider and report provisions for the security of the school fund; for a system of common schools, calculated to furnish Education to every child in the State; and also for the appointment of a superintendent. After submitting the resolution, Mr. EDWARDS made a long speech upon it, which, after it was concluded, the chair ruled out of order, on account of a resolution then on the table, which was entitled to precedence. Further action upon Mr. E's. resolution was then postponed till the resolution entitled to precedence was disposed of; when that of Mr. E. again came up, Mr. GREGG moved to postpone it until Saturday, when Mr. CAMPBELL would be present. Messrs. EDWARDS of Madison, CHURCHILL and SERVANT, also advocated its postponement. Messrs. WILLIAMS, EVEY, DAVIS of Montgomery, PINCKNEY and KNOWLTON opposed it, and, after being amended, the resolution was adopted.]

Mr. EDWARDS, of Madison said, for one, Mr. President, I exceedingly regret that circumstances have occur[r]ed to produce an unfavorable impression upon the mind of the honorable member from Jo Daviess (Mr. CAMPBELL) in relation to what transpired during his absence. There is no gentleman in this State for whom I entertain a more profound respect, than the gentleman who

stands at the head of the committee on Education, and I assure him and his friends, that the part I bore in the action of the committee which was had during his absence, was not prompted by the least disrespect to him, but a desire to settle certain preliminaries and to pave the way to the consideration and investigation of questions which it was expected would come before the committee. I sincerely thought that the presentation of the resolution and the reference of the subjects included in it to the committee, would be approved by the honorable chairman of that committee. It was agreed by the committee, that no final action should be had upon those subjects, until after the return of the chairman, in order that he might participate in the deliberations which might be had.

So far as I was concerned, Mr. President, I had but one desire, that of settling preliminaries necessary to enable the committee to enter upon the duties appropriately belonging to them. I was but an humble pioneer in the important matters involved in the resolution, and it was not my purpose to act upon them, in the absence of the chairman, whose experience and information were indispensible to an efficient performance of the duties assigned to the committee. I was too deeply impressed with a sense of that gentleman's capacity, to attempt to act without the aid of his abilities. The high estimation in which he is held by the people, and his past services in the cause of education, entitle his opinions and suggestions, on all questions before that committee, to more than ordinary consideration.

In conclusion, Mr. President, I will repeat, that the imputation that the committee acted in any manner inconsistent with a sentiment of the highest respect for the honorable chairman, is undeserved, and I hope that he will be induced to remain on the committee where his services are so much required.

Mr. DEMENT said, that the course of the member from Jo Daviess (Mr. CAMPBELL) was not unexpected by him (Mr. D.). I have, said Mr. D., heard the explanation of the honorable gentleman from Madison (Mr. EDWARDS) with much pleasure, and I should regret to have the member from Jo Daviess persist in his application to be excused from serving on the committee. I hope that he will reconsider his application, and not withdraw

from a station which he is so eminently qualified to fill, with honor to himself and advantage to the State. I hope that he will be satisfied with the explanation of the member from Madison.

I think that the difficulty has arisen in consequence of a desire on the part of the committee to act seasonably upon the matters before them; but I think, inasmuch as the chairman was absent for a day or two, for the purpose of collecting data and information to aid the committee in their investigations, that they ought to have awaited his return. I did think that there was ground for disagreeable feelings until I heard the explanation of the gentleman from Madison.

It is well known to the Convention that the subject of education is one in which the member from Jo Daviess takes the deepest interest. He was the first to present the propositions embraced in the resolution, and he has distinguished himself for the zeal he has manifested in an improvement of the school system. These facts are well known, and will account for his desire to participate in the action of the committee upon subjects that may be referred to them.

I am satisfied that there are no bad feelings on the part of the committee towards him, and I hope that he and his friends, of whom I am proud to be one, will be satisfied with the explanation that has been made.

Mr. CHURCHILL said, that he supposed, when the resolution was introduced, that the committee was doing what the chairman would approve of.—He was, at the time, opposed to any final action upon the matters embraced in the resolution, but he did not then object to their being referred to the committee.

Mr. PINCKNEY said, he hoped that the gentleman would remain on the committee. He (Mr. P.) did not know, when the gentleman was absent, that he was engaged in the business of the committee.

Mr. CAMPBELL said, that he had apprised the committee of his intended visit to Jacksonville, and the object of it.

Mr. CONSTABLE said, that if the gentleman from Jo Daviess had been present when the resolution was offered he would not have taken exceptions to what took place on that occasion. The resolution was merely one of inquiry, not intended to be acted

upon by the Convention at that time; and when the gentleman from Cook (Mr. GREGG) proposed to postpone the debate till the chairman of the committee should have returned, no member on the floor was more warmly in favor of a postponement than the honorable member from Madison (Mr. EDWARDS). He thought that his friend from Jo Daviess was under a false impression in relation to the treatment he had received at the hands of the committee, and he desired that he would withdraw his application for a discharge, and consent to continue to serve as chairman.

Mr. SHIELDS said, that he was persuaded that the committee intended no disrespect to the gentleman from Jo Daviess. He had told the gentleman from Ogle (Mr. PINCKNEY) that the chairman of the committee was absent, and that he (Mr. S.) thought it proper to defer action until his return.

Mr. PRATT. As a friend and colleague of the member from Jo Daviess, it may not be regarded as improper in me, to express my views in relation to the subject which has given rise to this debate. In doing so, sir, I will not say that I am prepared to urge him to persist in his request to be discharged from the committee, after what has been said; but I will say, that I approved of his application, because I deemed it the only step he could take to maintain his own dignity and that of his constituents. It is known to this body, that my colleague had been absent from the people he now represents, for a period of four years, and that he returned to them only a few days before his election. He had been, during the period of his absence, serving the people in the capacity of Secretary of State, to his own detriment, so far as pecuniary matters are concerned, and it was his purpose, when he returned to Galena, to engage in the practice of his profession and repair the pecuniary loss he had sustained by accepting office. Independently of the ardent friendship entertained for him by the people of Jo Daviess, he had other pretensions to a seat in this body, among which were the services he had rendered in behalf of education. These, together with his great personal popularity, led his constituents to urge him to return to Springfield as a delegate to this Convention. He consented to make the sacrifice, and it is but natural that a desire should be felt to sustain the high estimation in which he is held by his constituents. In this, how-

ever, he is doomed to disappointment, if the newspaper report of the proceedings of Wednesday last, is to go abroad without explanation. In these reports there is no explanation of the cause of his absence from his seat.—[Mr. P. here read the reports of the Journal and Register newspapers, which did not state that Mr. CAMPBELL was absent on the business of the committee.] His constituents (continued Mr. P.) might infer from this report, that he was absent from his post at the very moment when his services, as chairman of the committee on Education, were required; and this circumstance, unexplained, might go far to prejudice him in the confidence of those whom it is his highest aim to faithfully represent. This, together with a refusal by the Convention to postpone action on the resolutions offered by Mr. EDWARDS, until the chairman of the committee could be heard, would in the absence of explanation be a poor compliment to that gentleman, and in addition, would furnish to his enemies, abroad from here, quite too ready a weapon, which they might wield to his injury. These things were well calculated to mortify his feelings.

It is due to the honorable gentleman from Madison to say that, at the time the motion to postpone was made by the gentleman from Cook, it was seconded by him and urged in an appropriate manner; but I must say, sir, in this connection, that the gentleman from Ogle did not, in my judgment, act in this matter with that delicacy and courtesy which some years' acquaintance with his good name and reputation had taught me to expect from him. When my colleague, the chairman of the committee on Education, notified the committee of his intended absence, it was but courteous to postpone any action in the Convention on subjects previously brought by him before that committee, until his return; yet the gentleman from Ogle, when the gentleman from Cook proposed to postpone the resolution, opposed the postponement. If wrong in this, the gentleman can now correct me. The course of gentlemen, who opposed the suggested postponement, together with the final action of the Convention upon the subject, I cannot, if I would, deny was a source of mortification to me, and especially so when I recollected that when the report of the committee on the Executive Department was printed and laid on our tables, the consideration of the report was unanimously postponed on account

of the absence of the honorable chairman, who was away at the same time and for the same purposes as my colleague.

When I said, sir, that I regarded my colleague's withdrawal from the committee as an act due to himself and his constituents, I did not mean to be understood as advising him not to re-consider his application for a discharge. My desire was that he might be placed in a proper light before the country, and it is a matter within his own discretion, whether he shall, after what has been said, deem it proper to yield to the general wish of the Convention and consent to remain on the committee.

Mr. CONSTABLE said, I do not recollect that the member from Ogle urged an unqualified discussion of the question on Wednesday last. I understood that he desired, if discussion was to be had, that the honorable chairman should be present. I think that the member from Jo Daviess (Mr. PRATT) does not recollect the precise position taken by the member from Ogle.

Mr. SCATES. I think that the honorable chairman's course is right. It was proper for him to call the matter up in some form, and place himself right before his constituents. I am satisfied, from what has been said, that no disrespect towards him was intended, and I sincerely hope that he will now be satisfied and consent to remain on the committee.

Mr. SERVANT said, that as he had partaken in the debate at the time the committee had reported the resolution, he thought it would not be wrong in him to say a few words upon the matter before the Convention. He thought the matter was not viewed in a proper light. He never imagined that the least disrespect was intended by the committee, nor shown by any member of the Convention, towards the honorable gentleman from Jo Daviess, whose services and labors in the cause of education were so highly valued and esteemed. He hoped that gentleman would withdraw his request and that he would continue to afford the committee the benefit of his great talents and information. He thought the cause given for the request was without foundation, and he trusted the gentleman would be satisfied with the manifest opinion in which the house concurred that no disrespect was intended.

Mr. DAVIS of Massac hoped the gentleman from Jo Daviess would yield to what appeared the almost unanimous request of

the house, and withdraw his request to be excused, particularly when it was manifest that every member desired him to retain his post upon the committee, and known that his great abilities were required upon the committee. The committee of which the gentleman was chairman was one of the most important character, and of the greatest interest to the State, and he repeated his hope that that gentleman would retain his position and withdraw his request.

Mr. ALLEN joined in the request that the gentleman from Jo Daviess would withdraw his motion to be excused. Although he was much surprised at the time the resolution was reported, while the chairman of the committee was absent, and also surprised that it was not postponed till his return; he was satisfied, however, that no disrespect was intended by the action of the members of the committee, or of the Convention. He believed that sufficient had been said by every member of the committee to satisfy that gentleman that no disrespect was intended, and to induce him to remain on the committee. It was the desire of the country that he should do so; the gentleman's talents, and the much thought which he had given to the subject of education, had led the people to expect much from him. His able report on this question, and in relation to the appointment of a superintendent of public instruction, had awakened much interest, and had directed public attention to him as one pre-eminently qualified to be at the head of a committee on that subject. He hoped the gentleman from Jo Daviess would withdraw his request to be excused.

Mr. LOUDON said, that he entertained the highest respect for the gentleman from Jo Daviess, and he earnestly hoped that the request to be excused would be withdrawn. If the committee, however, had thoughtlessly reported in the absence of the chairman, he knew that none of the committee intended the least disrespect, to mar his feelings or injure his honor. The gentleman from Jo Daviess had a standing high in the estimation of the Convention and of the country, and he hoped their unanimous desire would induce the gentleman to continue in his post, as chairman of the committee.

Mr. LOGAN repeated what he deemed the universal desire of the Convention, that the gentleman from Jo Daviess would con-

tinue on the committee, and withdraw his request. He felt sure, from what had been said, that the gentleman from Jo Daviess must feel now that no disrespect was intended by the gentleman from Madison, or the other members of the committee, in what had taken place in relation to the report.

Mr. HARDING said, he was a member of the committee on Education, and was confident that the course of the committee had not been dictated by any feelings of disrespect towards the chairman. The committee had held two meetings; at the first, the chairman was present and presided. They met again last Tuesday, the chairman was not present, the members came with several propositions, none of which were offered or acted on because of the absence of the chairman. It was, however, agreed that a resolution should be offered, as it was understood that no question should be inquired into without first having the matter come from the Convention. He had voted for that resolution, although he was opposed to the principles contained in it. In all this, no one, so far as he knew, intended the least disrespect towards the chairman.

Mr. ARCHER hoped that the gentleman from Jo Daviess would, after the explanations that had been given, and the disclaimers of all disrespect, withdraw his application to be excused from serving on the committee. The cause of education was one in which the people of the whole State felt the greatest interest, and one on which they looked to this Convention to bestow great deliberation; and as the talent and abilities of the gentleman from Jo Daviess had been, heretofore, somewhat directed to this subject, the people of the State looked to him for much of the care and benefit to be secured by this favorite question. He hoped, sincerely, that the request would be withdrawn.

Mr. SHUMWAY said, he was a member of the committee, but was not present at the meeting when this resolution was directed to be reported.

Mr. KNOWLTON said, that it was, perhaps, proper in him, as he had taken part in this matter when the committee reported the resolution, to say that his course and his remarks were not, in the slightest degree, intended to be disrespectful to the distinguished chairman of the committee—the gentleman from Jo

Daviess. Nor did he think that any was intended or shown by the action or language used on that occasion by the gentleman from Madison. He hoped the request would be withdrawn.

Mr. CAMPBELL of Jo Daviess said, that it was a matter of extreme regret to him that so much of the time of the Convention had been occupied by this subject. He did not expect this when the request was made. It was true that he was absent when the committee met, he had gone to Jacksonville. He had not gone there to attend to business of his own alone; not for his own amusement, but to get certain documents, which could not be had here, in reference to the very subject before the committee. When he returned he heard of what had taken place, and from the reports of the proceedings published in the papers, and the effect which he knew they would have on his constituents, he felt that they were as much calculated to injure his character, as they were deeply poignant to his feelings. Without being advised to do so by any of his friends, and without consultation with them on the subject, he, of his own accord, determined to withdraw from the committee. Accordingly, he made the request, but now, from what had taken place, he concluded to withdraw that request.

Mr. EDWARDS, of Madison, approved of the highly honorable course of the gentleman from Jo Daviess, and feeling what was due to his own character, he asked to be excused from serving on the committee.

Mr. DEMENT said, that he hoped the same reasons that had induced the gentleman from Jo Daviess to withdraw his application to be excused from serving on the committee on Education, would also induce the gentleman from Madison to do the same. I know not, said he, who the other gentlemen are that compose that committee, but I do know that there are none in the State whom I would rather see on that committee than those two gentlemen. I know not what the gentleman from Madison may have thought required him to make this request, but I hope that he will continue to serve, so that the Convention and the State might have the united talents of the two gentlemen.

Mr. CONSTABLE said, that while he approved of the honorable course of the gentleman from Jo Daviess, he would hope the gentleman from Madison would not withdraw his application.

He was the friend of both parties, still he thought that, after what had fallen in the remarks of gentlemen, that his friend from Madison ought not to continue on the committee.

Mr. CHURCHILL agreed with the gentleman last up, and considered that the conduct of the committee had been unjustly alluded to, and he would not continue to serve; he, therefore, asked to be excused from that committee.

Mr. DAVIS of Montgomery was of opinion that the gentleman from Madison should not withdraw his application.

Mr. SCATES, not being much versed in matters of etiquette, could not see, from what had transpired, any necessity for the request of the gentleman from Madison. He was sure that no one had intimated that that gentleman had acted in any way the least unworthy of his distinguished reputation.

Mr. WHITNEY, after speaking in the highest terms of both gentlemen, and in approval of their conduct, said that, while he anxiously desired that the gentleman from Madison would withdraw his application, he would vote for excusing him if he persisted that his withdrawal was necessary.

Mr. DAVIS of Massac sincerely hoped that the gentleman from Madison would adopt the same course pursued by the gentleman from Jo Daviess and withdraw his application. Neither the gentleman from Jo Daviess nor any of his friends desired to injure the feelings or the honor of the gentleman from Madison, and he hoped he would continue on the committee.

Mr. EDWARDS of Madison said I respect the course of the honorable gentleman from Jo Daviess, and I wish not to be understood as entertaining the least feeling of disapprobation of the course of the gentleman or any of his friends on this floor. But I hope they, and the Convention, will respect my feelings, for I cannot act on that committee and rest under the imputation that must, from this discussion, be placed upon my actions.

Mr. LOGAN explained that when he had requested the gentleman from Jo Daviess to withdraw his application, that he in no wise admitted that the conduct of the gentleman from Madison, or the committee, had been wrong. He appealed to the gentleman from Madison to withdraw his application. He (Mr. L.) could not be shoved off any committee by what anybody said.

Mr. KNOWLTON was extremely gratified when the gentleman from Jo Daviess had withdrawn his request to be excused, because he was satisfied that no disrespect to him had been intended. He would not, however, desire the gentleman from Madison to withdraw his application.

Mr. HAYES said, that he was one of those friends of the gentleman from Jo Daviess who had requested that gentleman to withdraw his request, and he did not wish to be understood as having in any way thrown any imputation upon the honorable gentleman from Madison. He offered the following resolution, and asked its unanimous adoption.

Resolved, That it is the unanimous desire of this Convention that the Hon. Cyrus Edwards shall retain his position as a member of the committee on Education.

Messrs. PINCKNEY, ARCHER and BROCKMAN hoped the application made by the gentleman from Madison would be withdrawn.

Mr. CONSTABLE repeated his opinion that the gentleman from Madison should not withdraw his request.

Mr. DEMENT made some remarks in reply to Mr. C.

Mr. CONSTABLE made a rejoinder, which drew forth a surrejoinder from Mr. D.

On motion, the Convention adjourned till 4 P. M.

AFTERNOON

Mr. CAMPBELL of Jo Daviess appealed to the gentleman from Madison to remain on the committee. He and his friends were fully satisfied of the purity of the motives of the gentleman from Madison in what had taken place.

Mr. EDWARDS, of Madison said, he had no feeling of resentment towards anyone in that hall. He had acted only in obedience to a sense of duty towards the committee. The cause of his request was not here, for he felt that no one then would suspect his motives or attribute to him anything dishonorable, but when the published proceedings of this day are sent forth with such comments as might be made, the imputation that he had endeavored to supplant the honorable gentleman as the head of that committee, would be placed upon him. This is why he desired to be

excused from the committee. He would leave the matter with the Convention.

The resolution offered by Mr. HAYES being withdrawn at the request of Mr E., the request of that gentleman to be excused was unanimously refused.

Mr. CHURCHILL'S application was also refused.

Mr. Z. CASEY, from the committee on Revenue, to which had been referred the resolution directing them to inquire &c., of fixing a maximum rate of taxation, reported the same back and asked to be discharged from the further consideration of the same. Agreed to.

Mr. SHARPE offered the following resolution; which was adopted:

Resolved, That the 11th section of the 2d article of the present constitution be referred to the committee on the Organization of Departments and Officers connected with the Executive Department.

Messrs. MARSHALL of Mason, VERNOR, SCATES, THORNTON, DAVIS of Massac, KINNEY of St. Clair, CROSS of Winnebago and POWERS offered resolutions of inquiry which were referred to appropriate committees. No copies of the same having been furnished, we are unable to give them.

Mr. SERVANT offered the following resolution; which was adopted:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of exempting persons having *conscientious scruples*, from serving on juries, upon such terms as shall be deemed *reasonable* and *just*.

Mr. CAMPBELL of Jo Daviess offered the following; which was adopted:

Resolved, That the Executive committee be requested to inquire into the expediency of inserting in the constitution a clause providing for the election of sheriffs for——term of years, and making them ineligible for more than one year consecutively.

And then, on motion, the Convention adjourned.

XVIII. MONDAY, JUNE 28, 1847

Prayer by Rev. Mr. GREEN, of Tazewell.

Mr. CANADY offered a resolution, that the committee on Incorporations report a clause, to be incorporated into the constitution, granting banking privileges upon certain conditions.

Mr. MARKLEY offered a substitute, that said committee should report a clause prohibiting banks.

Mr. McCALLEN moved to lay the subject on the table. Lost—yeas 62, nays 49. [*sic*]

Mr. SINGLETON offered a resolution of inquiry in relation to officers for life. Carried.

BANKS

Mr. SCATES moved that the Convention go into committee of the whole, and take up the subjects made the special order of the day for Friday last; which motion was carried, and the Convention resolved itself into committee of the whole, Mr. EDWARDS of Sangamon, in the Chair.

The propositions submitted by Messrs. CHURCHILL, McCALLEN and GREGG, were taken up by the committee.

Mr. SCATES offered the following:

Whereas, the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," and "to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures" has been granted exclusively to the United States, and the power "to coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts" has been prohibited to the States; therefore,

Resolved, That the States ought not to attempt to do indirectly what they have no power to do directly.

Resolved, That the committee on Incorporations be instructed to inquire into the expediency of submitting, for the consideration of the people at the polls, whether they wish or desire to place a

total prohibition upon the Legislature to attempt to create, extend or authorize any banking powers or privileges in this State, or any exclusive powers or privileges not common to other citizens.

Mr. DAVIS of Montgomery said, that he did not rise to detain the Convention by any lengthy remarks, but he desired to express his views upon this question.—He was one of those who were opposed to banks of any kind or under any system; and he came from a region in this State where the people were all opposed to banks. He, himself, had always been opposed to banks, either local or State banks. He looked upon the present as one of the most important questions that was to be decided by this Convention, indeed, it was more important than any other, for it would have a great weight upon the interests of the people, their prosperity and trade. It would, also, affect, more than any other single question, the fate of the Constitution which this Convention would adopt. The Convention had a different task to perform than had the Convention which framed the constitution of the United States. The delegates to that Convention came from different States, and endeavored to retain all the power to the States which was possible, and they gave Congress the power to pass no laws the power to pass which was not expressly stated in the constitution. Our duty is different. Our Legislature may pass any law which is not forbidden by the constitution, or which does not come in conflict with the constitution of the United States. This great power, thus vested in the Legislature, pointed out the necessity of placing some restrictions in the constitution upon their committing any acts affecting the happiness, wealth and prosperity of the people. He remembered the time when there was but one bank in the State, and he remembered, also when there was but one newspaper—published at Edwardsville. He, also, well remembered how this paper would publish lists of the banks whose notes would be received at the land office, and that when men in Kentucky and other States would bring those bank notes here to invest in land, they would find that the list published the week before had been stricken out and new banks inserted. In 1819 the Edwardsville bank closed. The Legislature then tried their hand again, and created the bank at Vandalia, whose notes bore 2 per cent. interest. These went for some time, and after

awhile they became so depreciated that they passed two for one, and then three for one. The Legislature finally passed a law to cut the notes in half so that each end of a dollar bill should be taken for half a dollar, and the halves of a $3 bill for $1.50. This state of things continued a long while, and the notes became so depreciated that they sold for a trifle; speculators made fortunes by buying them up. The treasury finally redeemed them.—From 1824 to 1835 we had no banks, and I ask any man if, during that time, we were not prosperous and out of debt? Drovers from Pennsylvania and elsewhere came here and bought up the stock of our people, and paid them in cash for it, and all things went on well. We were prospering slowly but surely. There were no suits going on, except litigated cases; no suits before justices of the peace, except when parties disputed, or where men were unable to pay the debt.

In 1834 or '35 the Legislature chartered a State bank, and revived the Shawneetown and Cairo banks, and these institutions scattered their branches all over the State; and then we commenced the internal improvement system, which would never had [*sic*] been the case had it not been for the inflated currency of these banks—then came the rise in the prices of everything—pork went up suddenly to $5\frac{1}{2}$, cows to $10, and labor from $10 per month to $20—all the people made calculations upon the existing prices, and all embarked in speculation. Such always are the calculations made by people under such a sudden change of affairs, even experienced merchants commenced speculating. But, sir, the system of internal improvements was broken up. Then came the reaction. Everything went down faster than it had come up. Pork to $1\frac{1}{2}$, labor to $7.50, and the whole people became in debt. Not because they had not the property, but because they had no money, and their produce would not bring what they had calculated it would. The banks are all broken up, and we now feel the consequences of the evils they worked. We find ourselves in debt to the amount of thirteen or fourteen millions! They had, also a demoralizing effect upon the people. Many young men (indeed, all turned speculators,) threw off their jeans coats, became too proud to work upon their fathers' farms, and might be seen dressed in the finest style, looking like physicians or the greatest

aristocrats. All upon credit! We come here to reform our State government; we are about to adopt measures to relieve the State of her debt—farmers are realizing fair prices for their products, the State, so far as individuals are concerned, is out of debt—though every thing heretofore has been tending to our ruin—and we are fast going out of difficulties into which that system had led us. If these things really are, if farmers are receiving the best prices, &c., where the necessity of banks? I hope the gentlemen will point us to the necessity for banks. They ought to do so, for they propose a system filled with horrors, and they should show the necessity for its adoption. It is too late in the day for gentlemen to say that banks are necessary to raise the value of our property. The demand always regulates the value of an article.

What is the staple of Illinois? Pork, beef and flour. Are banks necessary for the sale and purchase of these? Are we not an agricultural State, and are banks necessary for us? No, sir. These products find a market elsewhere and not in this State. Banks cannot raise their price, people must come here from abroad to purchase those articles, and the price will always be regulated by the demand. Gentlemen say they are opposed to banks, yet will not vote for a prohibitory clause; and I must reply to what was said by the gentleman from Christian the other day when the vote was taken on this subject. He said, that he was opposed to banks, that they were a curse and an evil, that they were horrible to his feelings, but that he would vote against a prohibitory clause because it would endanger the adoption of the constitution. Does that gentleman think that the people are in favor of banks? Does he think that the majority of his party are in favor of them? I represent two counties—Bond and Montgomery—both counties, without distinction of party, are opposed to banks in any form. Gentlemen should remember that no petition for banks has been presented to the Convention, and no petition against a prohibitory clause. The whole difficulty was, that these fears had taken possession of the brains of these gentlemen—How do they act on other questions? It is asked, must we cut down the number of the Legislature? They answer "Oh, yes!" Must we reduce their pay? "By all means, yes." Must we reduce the pay of the judges, of the Governor, and regulate

the duties of all other officers? They unhesitatingly answer, "Oh, yes." But on this question of the banks, they cry out, "you should not bind up the hands of the people on that subject, but leave it for future time." They say, further, that though the people now may be opposed to banks, and we would vote against them, but perhaps the people may change their minds hereafter and want banks, and we should not close the matter by a prohibitory clause. Why, sir, the very same reason would allow all parts of the constitution to be left open to suit every change of opinion. The people of his county said that the Legislature already had too much power, and, among other reforms, desired it to be restricted. He understood that on the table was a proposition to adopt the New York banking law, which had been introduced because it was said that there was a majority against the prohibitory clause. Sir, if Illinois was composed of materials that would burn, I would rather see her destroyed by fire than such a system of plundering and robbing introduced in this our own prairie State. If a general banking system be spread over this State, we may look for ruin, blast, blight and mildew to come upon us. If we are to have banks, let us have no general laws throwing open the State and extending an invitation to shavers and brokers to come amongst us; if we do, we will have the scenes of Wisconsin over again, and we will have red dog, worse than red dog, banks amongst us.—He was not desirous to misrepresent or criminate gentlemen who, no doubt, represented the views of their constituents as well as he, but we must judge of the future by the past. We are ripe for speculation, and he asked gentlemen not to throw out to the people these inducements to forsake their business and employments, to enter into this scheme of speculation, which would bring upon them nothing but blast and blight.

Mr. GREGG said, that when he had introduced the proposition submitted by him and now on the table, he did so with reference to the peculiar state of circumstances existing at the time. From the vote taken a few days before, he thought it was the intention of the Convention that some system of banks should be adopted. I thought that if this was to be the result that we should close the door to a general and unrestricted system. I thought we had better leave the abstract question alone and judge things and act

on them as we find them; that we should take into consideration how our resources, condition and facilities stood and leave theories out of the question. The people of my county are divided on this question, but I believe that a majority of them are opposed to banks and banking, because they believe they are prejudicial and injurious to the whole country and people. He, after weighing all these matters, had come to the conclusion that if we were to have banks we should so restrict them by our constitutional provision that they would be as little of prejudice and injury as possible; and that the floodgates should not be left open and all the evils flowing from an unrestricted system of banking to come upon us with all its evils and calamitous consequences. If there be any inconsistency in what had been done he saw it not in his position nor in the proposition he had introduced, but in those who, failing in a prohibition, will leave this matter to the Legislature. Was not his course more in accordance with their duty as men not legislating for the present time, but for the whole State, and for all future time? He thought we should study the banks in their consequences, and in such a manner as will allow us to deliberate understandingly, and with the best views to the advancement of the prosperity of the people. We are now without banks; we have had an experience—and he might say an experience of ruin, misfortune and disaster—of them, and shall we bring that ruin and misfortune upon the people again? Do we need them? We are an agricultural State and not a commercial one. It was the intention of the framers of the constitution of the United States that there should be no currency but gold and silver. There had been issued during the revolution over 300 millions of paper money and it had been the currency during that time and much depreciated. Its evils were so apparent that they introduced into the constitution a regulation that the government should emit no bills of exchange. But means were soon found to evade this, and the country has been since flooded with this kind of a currency. How is it, he would ask, that our prosperity is periodical, and "good times" occasional? It was owing to the creation of these monopolies, who [*sic*] raised and depressed the trade and commerce, and the means of the people, by their schemes of speculation. We ought to be always prosperous, we have the means

and resources within us, to have that prosperity continued, and it must be owing to these monopolies created by our Legislature, which conferred upon them privileges and rights which were not enjoyed by the people in common. He would prefer that all privileges and rights should be distributed that, like the dews of heaven, all might share alike. The benefits are not equally distributed to all classes alike, but special privileges are granted to special persons to eat out the substance of the people. To these chartered monopolies we may trace all our misfortunes. Mr. G. then refer[r]ed to the banking operations in England, where he said there had been from 1793 to 1826, 381 failures in a brief period of 34 years, after which he proceeded to review the history of the banks, their failures, suspensions, and the losses caused by them to the people and Government of the United States. He said that from the time of the war to 1819—the paper currency was in a most wretched condition, that in 1819, there came a general suspension; in 1825 the panic was universal. In 1837, the paper currency system had become inflated to its utmost capacity and the bubble burst, and ruin was universal; every man's fortune was affected by it. Let us carry out an unrestricted system of banking, and panic and ruin will come upon us in all its unmitigated horrors and evil consequences.

In 1839 banks again suspended, and similar consequences ensued—and thus from 1817 to '39 there had been no less than eight general suspensions of this inflated paper currency. Have the people suffered nothing from a paper currency? Mr. G. read from the report of the Secretary of the Treasury of the United States, made in 1841, by which it appeared, that the loss sustained by the federal government up to February, 1841, by the employment of banks and paper money was $15,492,000! That since 1789 there had been three hundred and ninety-six bank failures in the United States, with the following capital: Capital of twenty banks failed before 1811, $3,000,000; between 1811 and '30, one hundred and ninety-five banks with a capital of $36,787,309; since 1830 upwards of 181 (including the Bank of the United States) with an estimated capital of $95,000,000. Making an aggregate amount of capital of these banks of $134,787,309. He also read the following as losses sustained by the people since 1789:

By bank failures on capital, circulation, deposites, and bank balances, $108,855,721; by suspension of specie payments and depreciation of notes, $95,000,000; by destruction, war and accidents, $7,127,332; by counterfeit notes beyond losses by coin, $4,444,444; by fluctuation in bank currency, &c., $150,000,000; making an aggregate of $365,451,497; to which add the capital of the United States Bank of Pennsylvania, $35,000,000, and the total loss will be $400,451,497. Are not these, he asked, matters of a startling character, and which are undoubtedly a history of the evils of an unmitigated nature, bringing destruction and ruin upon the people. And any system which contains within it the principles of such ruin, and which may produce all these alarming consequences, should be well inquired into, and he thought they should hesitate long in adopting it. There were at present upwards of nine hundred banks in the country. Their universal rule was to over-issue notes in a proportion of three dollars to one on their capital; and in this way they fabricate their own wealth, and who does not see that they thus have conferred upon them an inconceivable advantage, and that they can go into market with this increased capital and drive away all competition, and of necessity must monopolize all the business and trade of the country.

Another thing in the system of banks, was that the capital is not usually paid in, a small proportion only is paid and the balance secured by the notes of the stockholders. For instance—the first United States Bank had a capital of $10,000,000, of which was paid in, one-half a million; the second Bank of the United States had a capital of $35,000,000, and only two million was paid in. Yet upon this small amount of capital actually paid into the bank, the discounts and dealings in exchange during one year and a little over, amounted to $43,000,000. And this, sir, is but a specimen of the transactions that are carried on under this system—styled banks and banking. In 1840 the total amount of bank capital in the United States was $360,000,000, and the total amount of specie collected in their vaults was $33,000,000. Their loans and discounts on notes amounted to $460,000,000. It was also their practice to make large loans to presidents and directors, without security, and in 1840, there was due by directors of the banks to the several banks the sum of $150,000,000, and one-third

of this was due on loans. By a report of a committee appointed to examine the affairs of the United States Bank it appeared that there was due that bank by one Thomas Kidwell, a broker in Philadelphia, over $11,000,000, which had been loaned out to him for the purpose of shaving. At the same time that that bank was loaning out this great sum to that man, loans were refused to good men of that city and upon responsible paper; and they were obliged to go to this broker and pay him large discounts, thus forcing men to pay them indirectly by this shaving, what they could not charge directly, and this too, upon well secured paper. He thought it would be conceded by all that any system of banking was highly dangerous. Is there, he asked, in the whole system of government a greater power conferred than that of creating a currency? And if this power is to be exerted it should be in the hands of the government and not placed in the control of irresponsible corporations, institutions or associations. It is a power not to be conferred upon any body of incorporated individuals, no matter how respectable they might be, or the standing they occupied in the world.

It is destructive upon business, it creates uncertainty in trade, and makes the business of the country a mere lottery. It is also destructive of the morals of the community. In 1824 the banking issues in the U. S. was [*sic*] $40,000,000; in 1837 they had increased to $140,000,000, and at this time was the great suspension. In 1843 they had decreased to $53,000,000, and in 1846, they had gone up to $105,000,000, nearly doubling in the last three years. I shall use these facts, when more properly in order, to show the great uncertainty which these enlarged bank issues create. It had been admitted by the head of the U. S. Bank, a man who certainly had great experience in banking, and with all its business, that the tendency of all banks was to create an over issue of paper. And thus it gave them a great advantage over the rest of the community, while the over issue was thrown out into the market. When this occurs, it produces over-trading, and every man embarks in business and speculation—prices increase—the laborer receives higher prices, and so with all other business. The currency is inflated, and business becomes inflated just as unnaturally as is everything else. Wherever this happens to be the case, then the importations increase and immense quantities of goods are brought into the

country. After a while these goods are to be paid for, and the currency of this country—these bank notes, which they can have so plentifully, will not answer to pay for them, and the specie which is hoarded up in the banks must be drawn out, and goes abroad to pay for these very goods. Then commences the ruin. The banks deprived of their little specie, are cramped in their business and forced immediately to curtail. Then follows the distress and ruin, and panic. This, sir, is the consequence of over trading, which is always followed by a reverse, and then is destroyed the fancied prosperity of men's speculations. Can it be attributed to anything else than the over issues by these chartered monopolies?

In 1837 the indebtedness to the banks of the Union was 525 millions, the specie in their vaults, and on which their issues were based, was 38,000,000. On this small sum of 38,000,000 was the great paper money bubble based, and which when exploded cast ruin, misfortune and destruction upon all classes of the community. When these banks are obliged to make these forced collections they generally so manage it as to become the purchasers of all the property, particularly of the real estate of their creditors, which gives them a power and influence which is highly dangerous to the people, and the State.

What necessity have we for them? Why should we desire to obtain a currency or encourage institutions which have within their system the elements of so much ruin and destruction?

It is said that there is not specie enough in the country, to buy our goods and enable us to carry on our trade. This is not the conclusion I have come to after an examination of the subject. Mr. G. here read an extract from some work, which treated of the subject, which stated that according to Mr. GALLATIN's calculation, made in 1831, there was in the world $400,000,000 in specie, that of this sum there was over $277,000,000 in Europe and U. States, and that if divided there would be $16 [for] every man, woman and child in the country.

He here read an extract from 'Gouge on Banking' to sustain this position. He said that he thought this sufficient to prove that banks were not needed for the purpose of creating a currency, and that there was enough of specie to transact all business.

The experience of other countries was not to be disregarded,

and he would refer the gentleman to France, at the time of the revolution. They had a paper currency, which had sprung up during that time, more trifling and depreciated than was our own during the revolution.

Assignats were issued all over the country in large and dangerous quantities, and had become worthless and depreciated. Napoleon, when he became first consul, with intuitive sagacity and profound knowledge of such things, the moment he had the power, broke up the whole system of paper money and introduced a new order of things. He established a metallic currency. He said no paper for a less amount than five hundred francs should be issued; and gold and silver flowed in in abundance, and to this day they have a metallic currency.

Such would be the case here were we not cursed with these banking institutions. Look at Cuba, she is not cursed with paper or bank issues, and has nothing but gold and silver. I may be met with the remark that these countries are not republican, that their forms of government and institutions are different from ours. Is this a proper answer? If the people of France live not under a system of government like ours, must we not follow them in anything? We must not look to them for examples of wisdom, moderation, science, or justice, because they live under a monarchy Nor must we look to Europe for such examples, nor refer to Cuba. No matter if the autocrat of northern Europe, or the sultan from his harem, gives us an example of wisdom, must we throw it away, reject it, put it behind our backs, because it comes not from the same kind of government! Sir, good examples and just principles belong to no nation or creed, or State, or form of government. I take leave, before I conclude, to refer briefly to the plan I have proposed, and which is now before the committee. It is divested so far as possible of the features of monopolies, and I have presented it in this shape so that, if these banks or some system is to exist, and its blighting effects are to be cast upon the people, its rough and rugged features shall be thrown away. It is not the New York system of banking, as has been said—it goes beyond that system. Another safe-guard, I think, is, that it leaves the matter with the people; the action of the Legislature is not final, and after they shall have acted upon it it must go to the

people, and there fiat must be passed upon it. Here we have a double safe-guard—the wisdom of the Legislature, and the action of the people, who may trample on foot any act of the Legislature. Again, if, after it shall be thus approved of by the people and the Legislature, it shall appear to be more productive of evil than was anticipated, it is placed in the power of any Legislature to repeal or abolish it.

If any system is to go from this Convention to throw its blighting influence on the people, their business and their resources, let it go without throwing open these safeguards upon its actions. I think it would be better for the Convention to adopt a system of banking and a prohibitory clause—an alternate proposition, and submit them to the people; let them be discussed in the primary assemblages of the people, and I have no fear of the result; no fear of the adoption of the prohibitory clause by a large majority. But if we are to have any system, let me have choice of one which is the least calculated to work injury.

Mr. LOUDON said, that he had listened with pleasure to [the] very good speech of the gentleman, and he, Mr. L., were he an anti-bank man, would now try and make an anti-bank speech, but as he was a bank man he would make a bank speech. Mr. L. spoke for some time, in reply to Mr. GREGG, and in support of a good banking system. His remarks are unavoidably crowded out.

Mr. SCATES said, he did not expect to throw much light on the subject, but the question, it was not to be denied, was one of all absorbing interest, and one on which the two political parties were divided. Much as gentlemen might regret the introduction of party questions in a Convention assembled to frame a constitution, they must not expect to see parties forget their party principles. This was a question on which there could be no compromise. Those opposed to banks would not consent to any form of a bank that would be acceptable to the friends of a bank, and these bank men would not vote for a prohibition.

If I attempt to give my views on the subject, gentlemen must not think me desirous to be too wise, when I say that in my opinion the people of Illinois have spoken solemnly, firmly and positively, that there shall be no banks in the State, and no compromise will be acceptable to them. I remember to have often read and heard

of such a thing as a judicious tariff, and that it was soon found out that a judicious tariff means nothing definite, for every man undertook to define and judge what sort of a tariff was a judicious one. It is something the same way with a "well regulated bank," here is the same difficulty—no two will agree what is a well regulated bank. Sir, there never was such a thing as a well regulated bank submitted to the people; nor can any man propose one. The gentleman from Cook, who says he is opposed to all banks, has submitted a plan of what he considers a well regulated bank. But are there no objections to it? I know one, sir, and an important one, which for fear I may forget it, I will repeat it at once. His plan will not prevent a suspension of specie payments; I ask him if it is not so?

Mr. GREGG said, that there was an express provision that the Legislature should pass no law permitting a suspension of specie payments.

Mr. SCATES. I understand it correctly. But does the law prevent the bank from suspending? and that currency becoming depreciated in the hands of the bill holders. There is no way to prevent the bank from suspending; no remedy for the loss to the bill holder. Will any gentleman propose that the loss to the bill holder shall be put into his pocket from the treasury of the State. The winding up of a bank may be a punishment, but will it remedy the evil? The fact of suspension, is a fact that no written prohibition can avoid, and no parchment prohibition can pay the loss on paper depreciated, perhaps, 50 cents in the dollar. Nor can we say that the bank, if it fails and its paper becomes depreciated, shall pay the bill holder, unless we give the bank the means to do so with. The gentleman's position is an enigma to me, and I'll not undertake to unriddle it. He has portrayed in the most vivid colors that the banks are evils, and has said that the people will sustain a prohibitory clause, yet he has come to the conclusion that we must have banks. This is truly an enigma to me. One objection to a prohibitory clause is, that it forever binds the people who may hereafter desire a bank. If we were to recognize the principle that we must act, in framing this constitution, with due regard to the changes of the popular mind, we had better go home at once, for that would defeat the ends of all constitution.—

The bill of rights says, that no man shall be dis[s]eized of his freehold; no man shall be punished without a trial by his peers; no *ex post facto* law shall be passed; the people's mind may change on either or all of these principles, and why should we place them in our supreme law of the State? Who will advocate this? But gentlemen desire this loose action on the bank question, which will be as great a tyranny as any other. If I have any idea of the opinion of the people of Illinois upon this subject, if I have not definite information of their views, then say I have no information at all. They are opposed to banks. Sir, for the last several years the whole democratic press of the State—with perhaps one exception—spoke out openly their opposition to banks, and the politicians throughout the State have opposed the banks, and I have thought that the people have sustained them in their position. But I come here, and what do I find? The democratic party divided upon this subject, here with instructions to vote against a prohibitory clause, and the party are in a glorious minority.—We have been told that the democratic party have the majority in this State, in the Legislature and in the Convention, that they are responsible for everything that has been done and which this Convention shall do, because they have the strength and the numbers to rule. I admit that the democratic party had the majority and the power, but not at present and I cannot illustrate its position better than by relating an anecdote. It is said that there was one John Thompson who had been up to the market and had started on his way home. Unfortunately, however, John fell asleep, and the oxen pulled the cart into a mud hole; while it was there two yoke of the oxen broke from their cart, strayed away and are now looking with anxious eyes into the rich pasture of banks and banking privileges to which they and their friends are about to be admitted. John Thompson was unable to get his cart out because of the loss of his team, and gentlemen must not throw the responsibility on the democratic party. *Our team has been stolen*, and they must not expect us to pull the government cart out of the mud until we get back our team; and others after starting on this metallic road, their feet have become cut and a little tender and they too, have gone off and refuse to pull.

The position of certain gentlemen reminded him also of another

anecdote: Two gentlemen went out hunting, after some time one of them fired at a deer, his friend hearing the rifle shot, came up and asked him what he had shot at, he replied, "At a deer, there it is." "Why," said the friend, "that is a calf; have you shot your neighbor's calf?" "No," answered he. "I shot so that if it was a deer I would kill it, and if a calf I would miss it." So it was with those who were against a bank—if it was a bank, but for a calf &c. Let gentlemen aim so as to shoot but not to kill their neighbor's calf. And these gentlemen who were so anxious to preserve their neighbor's calf, to them he could wish no greater punishment than did Aaron and the other idolaters receive when they built their golden calf, from the hands of the Almighty.

Mr. S. then said, the question was not whether the banks *will* suspend, it should be, *can* they? Yes, sir, they can, and may suspend, no constitutional provision can avoid it; the power is in banks to cause losses of millions to the community, and there is no way to prevent it but one—that is, not to allow them to be incorporated. Another way in which these banks caused losses to the community was, that all bank paper, at any distance from the banks, was at a discount of 5 per cent., and the loss to the people upon the amount of the total issues of the bank was immense. A note is at 5 per cent. discount, it is passed at that depreciated value, one hundred times a year. Say the discount is at two per cent., the loss is, therefore, 200 per cent. on the face of the note, and all this loss is paid for the use of a paper currency. Mr. S. illustrated this view by several examples, and then examined many facts in relation to the management, frauds and evils resulting from banks in general, and the bank of the United States in particular. In one single year, he said, the defalcation by presidents and directors of these banks amounted to forty-two millions of dollars and over; and if gentlemen were prepared to go for the adoption of such a system, which could produce such results, he doubted their statesmanship. Half that loss would pay the whole expenses of the Mexican war, or support a war against a more powerful enemy; yet it was all borne without complaint. The loss to the government up to the year 1842, was $131,000,000, a sum equal to the expenses of the last war with Great Britain.

Mr. SCATES, after alluding at great length to the fact of the

losses by banks and banking speculations in the United States, which he read and exhibited by statistical references, differing but little from those mentioned by Mr. GREGG, and applying the alarming consequences of them to the state of the people and the finances of Illinois, he most earnestly and forcibly deprecated the adoption of any system of the kind in the State, or the granting to the Legislature any power to create the same.

He said, that he hoped, in case the Convention, watched by bank harpies and beset by sharks, shall spawn forth upon the public a shoal of banks, that it would be rejected by the people and the system be an abortion. If they were to have banks with chartered privileges, why not allow every man to be a bank, and grant him permission to issue $3 to every one of his capital? This would be nothing more than equal rights. But then, again, poor men have not the means to enter into this plan, which confers upon those who can engage in it, the power to make their less fortunate neighbors hewers of wood and drawers of water.

Mr. S. then entered into an able argument to establish that by the constitution of the United States the States had no power to create banks, which, he said, indirectly governed, created, and ruled the currency—regulated, by their issues and over issues, the value of money—governed and controlled the commerce among the States of the Union, raising the value of our property by the extent of their issues, and depreciating it again by the contraction and lessening of them. He thought it dangerous to create these institutions, possessed of these great and powerful means of power over the interests of the people.

He thought that they had just as much right to issue imitation half dollars and eagles in base metal as to issue paper imitations of the current coin of the country.

At 12, M., without concluding, he gave way to a motion to adjourn till to-morrow, at 9, A. M.

XIX. TUESDAY, JUNE 29, 1847

Prayer by Rev. Mr. DRESSER.

Mr. HAYES, from the committee on Law Reform, reported back sundry resolutions, and asked to be discharged from the further consideration of the same. Agreed to.

Mr. Z. CASEY moved to take up certain reports made by the committee on the Revenue and the committee on the Legislative Department, and refer the same to the committee of the whole. Carried.

Mr. ARCHER moved to refer the report of the committee on the Organization of Departments to the committee of the whole. Carried.

Mr. Z. CASEY then moved that the Convention resolve itself into committee of the whole to take up the subject of banks. Carried.

BANKS

The Convention then resolved itself into a committee of the whole, Mr. EDWARDS of Sangamon in the Chair.

Mr. SCATES resumed his speech, commenced yesterday, by a recapitulation of the arguments presented by him. He said that the power of the States to create banks, with powers to emit bills of exchange, &c. was one that was sanctioned by general practice. Yet there were many questions arising out of constitutional provisions that had been settled by practice, but upon which the public mind was not settled. The power of the general government to charter a United States bank, though two had been created, and the supreme court had decided in favor of the power, was still a question upon which the public mind was not settled; and the same was the case in regard to the issues of State banks. He then examined the constitution of the United States, and argued against the power of the States to issue such notes, or the power to incorporate any institution to do the same.

He said that we had the power to limit the circulation of

bank notes from other States in this State. It was an evil to have our own issues in circulation, it was certainly no less an evil to have the notes of banks, over which we had no control, circulating amongst us. We might not be able to compel a bank in another State to stop her issues; but should we, to stop their circulation, issue our own notes? This was like giving a man, suffering from the effects of poison, a larger dose of the same kind. He read some tables which showed that the people paid yearly for the use of bank paper, in the shape of interest, $28,000,000 more than the annual expenses of the government. There was also a depreciation on the amount of their issue of 5 per cent., which, together with other losses by counterfeiting and wearing of notes, made an aggregate annual tax to the people of over $50,000,000; more than double the amount required for the support of this vast government. The loss to the people, since the formation of the government, by taxes for the use of bank paper, amounted to $1,197,000,000.

His recollection of the politics of Illinois for many years had been, that the democratic party were opposed to all banks. Every democratic meeting that had been held sent forth a condemnation of them. There had been a meeting held in this hall some three years ago, and then this question came up. No man was for banks. It was made a *sine qua non* in each candidate, to be opposed to all banks. The democratic party now required from their representatives a condemnation of them. The people were not, however, truly represented here; if they were, there would go forth a universal condemnation of them, as he was sure the voice of the people was for a prohibition. He was in favor of no experiments to elicit the voice of the people, by proposing any alternate proposition. The sentiments of the people were known, and the Convention should carry them out.

Mr. HARVEY said, that he, perhaps, should define his position. He looked upon this question as one of deep and lasting importance, and one which bears more upon the daily transactions of the people than any other which the Convention would be called to act upon. He thought that when the Convention would meet, the members would come there with their minds made up to act without political feeling, and with a desire to accomplish a

constitutional work for the people. But he had been sadly mistaken. The gentleman said it must be a political question; that parties must be divided, and that we must congeal into the constitution the ultra spirit of party. The gentleman said that one John Thompson was like the democratic party, and that John had once got drunk and had been run into a mud hole; that while there a part of his team had got away and had gone off in search of green pastures. He would like to know why John Thompson got drunk, or if, when asleep, he dreamed of this metallic currency? And was it not wiser for the cattle, when John was in this condition, to get out of the mud hole, and go off to the green pasture? He would tell the gentleman, that if he wanted these cattle back to pull this democratic cart out of the mud he must not get drunk. He claimed to be a member of the democratic party, but he came there a free one, to act for himself and not to bow his neck as a slave to any leader. He was not one of John Thompson's cattle. He was a representative of the people of Knox county in this Convention to form a constitution. And, sir, what have we met here for? Not to take care of the interests of one little political party, but of one million of people. As a member of the committee on Incorporations he was anxious to hear this question discussed, and for one he was opposed to a prohibitory clause. And the party who advocated this, were they united? No, sir.

Mr. H. said, that one portion of this prohibitory party said that banks were an evil, and that all things of an evil character should be prohibited. By inserting in the constitution a prohibition, and then adding a clause that that prohibition should be forever unalterable, how, he would ask, would any man vote for such a provision—John Thompson could not do it—if he did he would render himself immortal. Another of the party said, that he was for an exclusively metallic currency. Does he intend to exclude from circulation Auditor's warrants and Treasury notes, which looked to him very much like paper money? He would not say what he wanted—but he desired to know what kind of a prohibition that party wanted? He did not believe the democratic party was in the hands of fifty or forty men in that Convention, but were scattered all over the Union, and in no State had a

prohibitory clause been inserted in the constitution against banks. He believed that the people of any State, by a majority of the votes, might have what kind of government they pleased, and that they alone had the right to say whether they would have banks or not. He was for leaving the question of banks open to the people's opinion, and he was met by a question, why not leave the whole question open. He replied by saying, that all things wrong in themselves should be prohibited, but a mere political question should be left open to the people. Public opinion was stronger than any constitution: a prohibition was no more than a rope of sand against it, and who could say that in five years the people's opinion would not be changed. Our duty was not to inquire what kind of a bank we should have, but whether we should have a bank at all or not. We have no banks to decapitate, but gentlemen seem disposed to decapitate a possibility of a bank. He would prefer the Legislature should not have the power to create, but was willing that when they thought a bank necessary that they should pass a law and submit it to the people, and if a majority of them approved of it, it might go into force. Individually he was opposed to all systems of banking. They all seemed in favor of abridging the powers of the Legislature, and he was in favor of it; but was any man in favor of abridging the powers of the people?

Mr. ARCHER desired to define his position on this question, and he hoped that when he had concluded, the Convention would be more happy in arriving at what his position was, than he had been in arriving at the position of the gentleman from Knox. He was not one of those who felt disposed to follow in everything that was laid down by those who set themselves up as umpires of what was true democracy; he was a member of the democratic party of the whole Union, and claimed to think and act for himself in all things; and bowed to no leader on this floor or any where else. He knew no one who aspired to that leadership, nor could he think or believe that any man, either whig or democrat, had come into that deliberative body with a desire to prescribe the course which they should follow. If any one did aspire, however, to lead the party, he would follow him only so far as his principles and opinions agreed with his, and no further. He was, individually, opposed

to all banks, of any shape, kind, manner or description; while he entertained these opinions, he had no desire to hold those opinions out as a beacon light to others, nor to give a guide to his seniors in their actions here. His experience had been that the system of banking was but the granting of privileges to a few to commit piracy on the masses. In using this language he intended to cast no imputation upon others, but he hoped they would consider him as sincere in what he said.

He thought States were like individuals in many cases. Let us look back for a period of ten years in the history of this then young and thriving State, at that time a Legislature, driven to madness by the evidences of prosperity to be seen all around them, created an extensive and wild scheme of internal improvements, and the result was that the scheme failed and the hope of the young State was blasted and blighted. It was only after the destruction had come upon them that the people became alarmed—then that the State credit sunk abroad—and the unholy doctrine of repudiation received countenance in the State, and I regret to say that even, in this State, though for a short time only, did this doctrine receive encouragement. We have in part recovered the effects of that time, and have somewhat remedied the evil, and from this Convention, is expected something to remedy still further the evil consequences of that day. While I give my hearty approval of some of the remarks of the gentleman from Cook, I regret he did not plant himself entirely on the ground of prohibition. He had displayed by statistics the innumerable evils of these banks. I am in favor of a prohibitory clause, but I would prefer that it should be submitted to the people seperately [*sic*] from the constitution in order that the latter may not be affected by the vote upon the proposition. Let those in favor of banks bring forward their plan, and those who desire the prohibition, let them go forth to the people and fight side by side, and by the result of that fight will I be satisfied. He was opposed to all banks and in favor of the utmost restrictions. How much time and money have been wasted in Illinois by legislating for suspension laws; and we cannot too strongly guard against failure, for I think failure is a consequence of incorporation. When these failures come, who is it that hold the notes—the poor and laboring

classes of the community, and on them falls the loss. Who are they that watch the value of these notes from par to depreciation, and to worthlessness—the rich and the monied man. Do you find these notes in the hands of the brokers when at full value? No, but you may find them in their hands when depreciated, bought up at half price from the poor and laboring classes. Where do you find the losses? In the cabins of the poor, and the profits in the gilded palaces of the rich. Banks never pay money, never issue money—it is always "the president &c. *promise* to pay" &c. And when they make loans it is of their own indebtedness. Thus when a man borrows $500, they *receive* from him interest on what they owe; and if any person else than a corporation owes $500, he pays interest on what he owes. The whole order of things is reversed in favor of these chartered monopolies, and for this reason, I am opposed to them.

Mr. A. here read a plan which he would like to see adopted. He said, that from a sense of right and of principle, sanctioned by experience, he could not yield to any opinion that a well regulated bank can exist in any community. He believed that if a general banking system were adopted, that evils in the most incomprehensible numbers would follow, and throw ruin and misfortune again on the State.

The motion to strike out all the resolutions was put and carried; and then the motion recurred upon inserting the proposition of Mr. SCATES.

Mr. PALMER of Macoupin said that it was a matter of regret that there was not before the committee some definite proposition which would be more comprehensive; also, it was to be regretted that feeling had been shown in relation to a leadership. There may be men who might aspire to leadership in this Convention, but if there were he had not seen any of them. He had come there to follow no leader, but an independent representative of an independent constituency; and was willing to take all the responsibility of his own acts.

I agree that the questions growing out of this subject are the greatest that will come before the Convention. The evils of banks have been shown by the gentlemen from Montgomery, Cook, Jefferson and Pike. The system of banks heretofore existing in

this State is objectionable because the principles contained in it were at war with the just and equal rights of the whole people. The theory of all true government is, that the whole people should enjoy equal rights—political rights. The system of banks heretofore, independent of all their other great evils, is objectionable, because it confers upon them rights and privileges, not possessed by the people in common. We have seen bankrupt corporations and rich corporatees. How is this, and how is it with others? When the bank fails, the members of the corporation are not affected; but when private individuals meet with misfortune, their doors are visited by the officers of the law. While ruin and destruction are scattered all over the country by the operations of the bank, its officers are revelling in the wealth gained by the banks. I object to banks because they enjoy rights, privileges and immunities not secured or allowed to others engaged in business. When an opportunity for speculation occurs, these banks are given the means of risking what is not their own, and if the speculation fails they lose nothing. The masses are opposed to these corporations, and are gradually wresting power from these chartered monopolies, and step by step will reduce them to a level with other business men. He objected to the New York system, because that conferred the same unequal privileges upon a few which were denied to the many. In the language of the resolutions offered by the gentleman from Jefferson, the power to coin and make money has been secured to the United States, and why? Because the power to create a currency affects the people, enters into all their business transactions—a power greater than even the right of government. Give me the purse strings of a nation, and I don't care who has the power of government; I then would be the master not only of the people, but of their government. In view, therefore, of the importance of this power—the sole power to regulate the currency was reserved to the general government. In time, however, this salutary provision was got around, and the power of regulating the currency was conferred upon individuals in the shape of charters, not responsible to the people. Was it the intention of the framers of the constitution of the United States to give to irresponsible men or soulless corporations the power to cause woe and sorrow, or smiles and joy to the whole people? At one period

of our history the banks had a circulation of $100,000,000, and the transactions of the country were based upon that amount of false capital; in one year this amount of money in the country, by the aid of the engraver, printer and bank officer, can be increased three-fold, and the business of the country is deranged.—Is not the intention of the constitution to fix the value upon the currency defeated? Those reasons, if no other, would induce him to vote against any plan of banks. I belong to this party—the democratic—which, it appears, has occupied so much time in this discussion. It has been said that there are those here who aspire to lead us. I would, sir, select as my leader, if we are to have any, from that other party which had shown so much judgment and discretion as to keep silent, and leave this war entirely in the hands of the "harmonious" democracy, and not from among those who claim to be democrats, and get up here and carry on a fight for the amusement of their opponents.—The term "harmonious democracy" may be and is often used as a sneer, but upon the great principle of human liberty they *are* harmonious; and I would say to those who anticipate the game of the Kilkenny cats by the democrats, that they need not lay the "flattering unction to their soul," for that party will remember their responsibility to their constituents. And if there is to be a bank, and if they cannot strangle the monster in his cradle, they will unite and chain him so that he can do no harm. If that party desired to know upon what the democrats will unite, I tell them to select what is just and right, and they will there find the democratic party. This much, sir, have I said on my own responsibility.

Mr. GEDDES replied, briefly, to the remarks of the gentlemen who had opposed banks and attributed to them such evils. He entered into the question and argued differently.

Mr. BOSBYSHELL said, that long previous to the adoption of the State constitution, the currency of the confederated States had been confided to the general government, which, also, was intrusted with the power of regulating commerce, foreign and domestic, coin money and fix the value thereof. The States by that constitution surrendered the power to coin money, emit bills of credit, or to change the legal tender in payment of debts. Sore from the evils of paper money which had been necessary during

the revolution, and the funding of which had caused so much discontent between the speculating and substantial citizens of the nation, any other standard of value than precious metals was deprecated by all the patriotic of the time, who endeavored to guard it by adequate provisions. There can be no other substitute, all attempts to substitute are delusive and fraudulent, and snares for the public prosperity. The effort to coin money out of paper was abused. Nothing can make a promise to pay on paper, like the dollar itself. Mr. B. (we are sorry we cannot give his remarks more full [*sic*] took the following positions:

That great commercial operations are accommodated by paper money issues, as did the credit system, but unless convertible into gold was worthless. Its use was like the substitution of ardent spirits for food—it intoxicates and ruins. That the reason given for the use of paper money—the scarcity of coin—should be the cause of an exclusive metallic currency, because the latter was more valuable as it become [*sic*] scarce. He alluded to the inconveniences of paper money in trade. The shocking vicissitudes of unconvertible paper money had cost this country more than its wars; they were the greatest difficulty in the revolution, and now more oppressive than all the public burthens. That the issuing of paper money by authority of acts of the legislatures of the several States was an usurpation of power unfor[e]seen by the framers of the constitution. The first Secretary of the Treasury, when he introduced the conveniences of a national bank, never contemplated that paper should supersede gold and silver as currency. He traced the history of State banks, and admitted that the supreme court had decided that when they were not made a legal tender they were not unconstitutional; but that this great power to control, value and regulate price, unfor[e]seen by the framers of the federal constitution, has grown up one of our most important institutions and demanded the serious attention of a body convened to re-organize a government. This power to create a currency was so important that no government ever parted with its sole exercise. It controlled everything. It was the life blood of the body politic. It was fortunate that every laborer was familiar with the little value of these bank notes; which the regular recurrence of periodical convulsions so clearly

demonstrated. If public sentiment advanced longer, as it has for some time past, the deeply rooted evils of banking will soon be alleviated, if not entirely removed. The farmers, mechanics and others who lived by industry, and without trusting to paper facilities, are now free from trouble, and have plenty of hard money. Interest is moderate. They knew not the distress which was felt where banks, credit and speculation predominated; and which would be the case where the power was given to a few to exercise one of the privileges of sovereignty. Fifty years ago the Bank of England disclosed the terrible secret that banks might dispense with hard money. Possessed of that secret our banks have followed it up by pushing it on to a despotic supremacy. Preposterous luxury, insolvency and crime are the certain followers of the bank mania. Bad currency, speculation and monopoly can only account for the sudden vicissitudes, the most devouring usury, controversey [*sic*] and litigation, panic, clamour, convulsion, and at last the unlawful refusal of the banks to pay their own notes, have been the rapid events of a few years back. He denied the justice, right, propriety or honesty of conferring special privileges upon any body of men. The right and original office of a bank was to keep money, not to lend it; the principal profits of banks proceed from what courts of justice punish as frauds, viz: the using of trust funds. The Bank of Holland was crushed for this.

We find that our space will not allow us to go further even with our condensed report of Mr. B.'s able and logical speech.

Mr. SINGLETON offered an amendment to the proposition of Mr. SCATES.

Mr. PETERS offered an amendment to the amendment.

And then the committee rose, reported progress, and had leave to sit again. And the Convention adjourned till 3 P. M.

AFTERNOON

Mr. Z. CASEY offered a resolution, that from to-morrow the Convention would daily resolve into committee of the whole, and take up the reports of the committees and dispose of the same. Adopted.

The Convention then went into committee of the whole, and took up the subject of

BANKS

Mr. EDWARDS of Madison presented a long proposition to the committee, which he said had been drawn up with a view to meet the opinions of all those who were opposed to a prohibitory clause. He said, that he had intended to present his views *in extenso*, but it was evident, from the number of propositions that had been introduced, that the members of the Convention had come to some conclusion, and that all had made up their minds; debate and argument were, therefore, unnecessary. He explained his propositions to be as follows. 1st. That there shall never be a State bank—he was opposed to State banks—State college, State printer, State anything. 2d. That there should be no special charters. This, he thought, was in accordance with the general sentiments of the people. 3d. It leaves it with the Legislature to establish a system of banking with certain restrictions. He laid it down that, looking at the fast increasing population of the State, our growing interests, &c., we must have a paper currency, and cannot get along with an exclusive metallic currency. Another principle of his plan, was that there shall not be more than one bank placed in each judicial district of the State.

Mr. KITCHELL said, he had drawn up certain resolutions containing a set of restrictions, which he could support consistently with his view of his duty to his constituents.

It was nearly the same as had been presented by the member from Madison, and others. Though out of order to present it, it was not out of order to allude to it in his remarks. He supposed he was one of those whose position was said to be an enigma, and not consistent with democracy. He thought he knew the opinions of the people he represented, and he felt it his duty to support that opinion, unless it was wholly inconsistent with honesty and propriety. This question was not regarded in his county as settled; not one upon which public sentiment was regarded as ripe and mature. We have and use a paper currency; not so much specie as in other places, but the bank paper happened to be good and the people of that part of the country think and believe that

a paper currency, when at a par, is a safe and proper medium of circulation. They cannot recognize any argument that it is immoral or improper to use it. They will refer you to those States where banks have existed from the time of the formation of their government, and ask why cannot Illinois have a good bank as well as others. One of the first political subjects to which he had turned his attention was the state of the people of Illinois, in regard to the consequences of the inflation of the currency and the ruin, havoc and disgrace which followed the suspension; and I thought that I would take the ground occupied by other gentlemen, in open opposition to all banks, but I have considered better of it. What are our county organizations but exclusive privileges for certain purposes. Gentlemen who take the broad ground against all privileged corporations go too far. Our county organization is but a part of the system. You cannot vote out of your own precinct. Every college is a corporation. The arguments of gentlemen have been directed against the abuses of banking. As well might they take ground against steamboats, that they should not be permitted to navigate your rivers because they contain such engines of destruction. As well prohibit physicians practising because quacks have dealt out death and destruction in the land. You may as well say there shall be no religion because, at some time or another, it has been united to State, and has oppressed the people. He thought this a fair statement of the arguments, and that it was not extravagant to compare their arguments against the abuses of banking with the steamboat dangers. He was opposed to the system of banking heretofore carried on in this State, but thought that we might adopt some system; it was impossible to exclude bank notes from circulation in this State. There are now laws upon the statute book of this State, which are as a dead letter. They cannot be enforced, and it would have been better that they had not been enacted than not in force. When it can be shown that it is a curse upon the State that we ever had bank notes, or that we can exclude them from circulation, then I will abandon the position I have taken, and go for their exclusion. It had been said that bank notes were an unfair representation of the amount of money in the country, that it was immoral and impolitic to use it as a currency. The

argument is that it is a paper currency, that the corporations are enjoying the privilege of issuing seven or eight dollars in notes to one in capital—in specie. These things are an abuse of the privilege, and are privileges which should not be granted. Heretofore it has been so provided that in case of a failure nothing but the corporate property could be touched, though it might be that the officers, directors, and stockholders were immensely rich, nothing of their private wealth was liable. But we came here to adopt a different order of things; we came here to lay down an organic law for the land, and questions of a doubtful character, of expediency and policy, and one which has been decided differently in every other State of the Union, should not be put in the constitution of the State and become the unalterable law of the land. He was not in favor of any particular system of banks, there might be banks required by the people. And suppose the people of Chicago, or of Quincy, or of Springfield desire a bank of deposite, of which no one could complain, the prohibitory clause would prevent it. He was opposed to any prohibitory clause in the constitution. Mr. K. here read his plan, which was a mere statement of restrictions to be placed upon banks, and applicable to any and every system. He said he was not, as he had said before, in favor of any particular system, but he was satisfied that the people of his part of the country were opposed to any unqualified prohibitory clause being inserted in that constitution, and he felt himself bound to carry out their views and sentiments. While I am not in favor of any particular system of banking, I know that it is impossible to exclude from circulation in this State the bank notes of New York, Indiana, Kentucky, Missouri, and other States, so long as they are at par, and answer all purposes of business, and that all our efforts to do so will be in vain. He thanked the Convention for their attention and hoped he had defined his position sufficiently explicitly.

Mr. BROCKMAN addressed the Convention for a considerable time in favor of a prohibitory clause and against banks of every description. A full report of his speech has been taken and will be given in another form.

Mr. DEMENT said, that as the day was nearly spent he would not take up much of the time of the Convention, but would

merely define his position in as few remarks as possible, and throw out a few of the suggestions which had occurred to his mind on the question now before them. He was aware that it was the belief of many there, that the question of banks was the all absorbing question of the day, not only in the Convention, but amongst the people, in all sections of the State of Illinois. This would be the impression forced upon the mind of anyone who had heard the discussion on that floor, yet such was not the case among the people. This question of a bank was not considered by the people of his county before he came there—banks were considered by them to be an obsolete idea. It was said there by the whigs that the former State banks, which had brought upon them so much ruin and misfortune, had been created by the democrats, and they, the whigs, threw them off as no part of their policy; the democrats threw them off, and the whole people, without distinction of party, admitted them to be an obsolete idea. All were opposed to them where he came from, and the question was not alluded to in the canvass except, perhaps, to ask a candidate if he was opposed to them, which he answered in the affirmative, and this was all that was said. But if a person were to hear the discussion here, he would think that the people were alive on this subject. It was but a few years ago that this question of banks was a party question, the democrats were opposed to all banks and the whig party was in favor of them, but as has been shown by the gentleman who has just taken his seat (Mr. BROCKMAN) the whigs have receded in this as in many other things, so much so that there is no whig in our part of the State who will pretend to favor them. And now it is said that it is no political question; but becomes with us one of mere expediency—except in regard to a bank with special privileges. The evils of banking he considered consist more in the embodiment, in one corporation of a few men, of peculiar and special privileges, and the cutting off all competition, in the way of trade and business, by men who are not possessed of those rights and privileges which give their chartered opponents so great an advantage. The evil, therefore, is in the sespecial privileges which they have enjoyed, and the want of proper and necessary restrictions upon them. On this question of expediency, he would say that he was opposed to the creation of

any bank with power to issue any bill of credit, promissory note, or anything else intended as a currency; and he was opposed to any corporation issuing three or four dollars in paper to each one of their capital. He thought that Illinois did not need any banks to enrich her people or to raise the value of her property. He considered that the country was only enriched as we improve our resources by the increase of our products, or as we raise means of subsistence by labor. Nor did he think there was at present any surplus capital in Illinois to be vested in banks, and that if any banks were now to be created it would be embraced by men more anxious to borrow than by those who desire to invest their surplus capital. There is no excitement anywhere on this question of banks except in this Convention, and, so far as my information extends, it did not enter into the canvass. This was the case in the northern part of the State. A few years ago the people of the State were depressed and in debt, and all kinds of property was of little value. Now our property has become enhanced, and we are now in a state of comparative prosperity; these good results had been produced without banks. Every farmer, mechanic and artisan, and all others whose avocations tended to contribute to the wealth of the country, have together produced this prosperity. But there were those in the community who had been laying on their oars watching for their opportunity, now come forth, and taking advantage of that ambition, which prosperity always creates in the bosom of men, are desirous to have banks, and a fictitious currency wherewith to run into wild and extravagant schemes of speculation, and in due course of time will possess themselves of all the property of the country, and in due course of time their bubble will burst, and in the scramble will take care to enrich themselves on the loss and substance of others. The people of Illinois do not want these banks. It is true they exist in New York and other States, but he believed that if the people of that State were like us, once rid of them, they would never have them again; but such is the influence on the trade and business of the community, and the power they are enabled to exercise over the people themselves, by means of their privileges, that once fastened upon a community it is impossible to get rid of them. Illinois is now without them, and I believe that gold and silver,

like water, will always find its level, but paper money will always drive gold and silver from the market. One part of the State has now an exclusive metallic currency of gold and silver; this is in the northern part of the State, in the mining region. There was at one time nothing but paper circulated there, and so great was the confidence of the people that a note was never examined but taken without hesitation. After a while the banks burst, and these people felt the loss more severely than others who had less of that kind of currency. They then declared and resolved for the future to have nothing but gold and silver.

There English sovereigns constituted nearly the whole currency, because they were worth more there than anywhere else; they passed current in that region for $4.90, while at the east the[y] were taken for only $4.83, and at St. Louis for $4.85; the difference, therefore, between the $4.90 and $4.83 paid well for the exchange between that quarter and the eastern cities. The difference in the value was far greater than the cost of transportation. Gold and silver must find its level, and though in other States they may have banks and paper money, State lines are no barriers to the exportation of the precious metals, which will naturally flow where it is worth most. Our produce will go eastward, and their gold must flow back to us, and one will be the exchange for the other. Suppose we send three millions of dollars worth of our produce—beef, corn, flour, pork, lead—to the east, it is not necessary that that amount in specie shall be returned at once, because as our producers have the coin, which is paid by them to the merchants, and those merchants trade for their goods at the east. What is more easy and simple for the manufacturers or purchasers of our produce there to pay for it in drafts upon our own merchants, and thus the money is again paid out to the farmer and the miner in metallic currency; and all this can be done without banks. Where is the necessity for them in our State?

I oppose the proposition of the gentleman from Madison, even if we are to have banks. One objection is, that it does not provide that the directors and stockholders of the banks shall be personally liable for the debts of the institution. Here is no remedy against men setting apart a certain amount of their money to bank upon, and when that is lost, with thousands belonging to others, sitting

down with a private fortune exempt from all liability, and which may have been the accumulated result of accommodation in the shape of loans to him by the bank. I also object to it because it does not provide that any bill which may pass the Legislature, creating a bank, shall be submitted to the people. In conclusion, I will say to those fifty-eight who voted for the prohibitory clause that we want but twenty-three more to make a majority; and I say that, in case of a failure to carry that, I believe there are those here who are opposed to banks yet opposed to a prohibitory clause, and who come nearer us than others, and with whom the fifty-eight may vote; that there is a probability that they may unite with us on some plan which will, in effect, accomplish the ends of a prohibitory clause. If I can't get a total prohibition, I hope to see something adopted that will approach it as near as possible. I had no expectation that what I have said will have any effect upon members here. I anticipate no such results from my speaking, but I have thrown out these suggestions to those in the Convention who approach nearer the doctrine of the fifty-eight in principle, and who, I believe, may unite with us upon something.

Mr. GREEN of Tazewell addressed the Convention in deprecation of the introduction of party topics, and in defence of the whig party.

The Convention then adjourned till to-morrow at 9 A. M.

Mr. BUNSEN offered a resolution of inquiry. Referred to the committee on Education.

Mr. SIMPSON, from the committee on Counties, made a report; which, after some explanations, was withdrawn.

Mr. WILLIAMS presented a resolution of inquiry. Referred to the committee on Counties.

Mr. SINGLETON offered an amendment; and after a short debate, the amendment was laid on the table and the resolution adopted.

Mr. Z. CASEY moved that the committee of the whole be discharged from the further consideration of the bank question—and a reference of the whole subject to the committee on Incorporations; as it was evident that after that committee shall report the whole subject will be again discussed. Carried.

Messrs. KITCHELL and ARCHER presented propositions in relation to banks; which were referred to the committee on Incorporations.

Mr. Z. CASEY moved the Convention go into committee of the whole and take up reports of committees as per order adopted yesterday. Carried.

The Convention then went into committee of the whole, Mr. WOODSON in the chair.

Mr. CASEY said, that he wished to suggest that the chairman of the committee on the Legislative Department and the chairman of the committee on the Executive Department were both absent from the city; but they had requested that the reports may not be postponed on account of their absence. He moved the report of the committee on the Legislative Department be taken up. Carried.

The committee then proceeded to consider the report of the proposed articles of the constitution contained in that report: The first section was read—

"That the General Assembly of this State shall consist of a

Senate and House of Representatives; both to be elected by the people."

Mr. CALDWELL moved to strike out the words "Senate and" and "both;" which motion was lost.

Second section. "That the members of the General Assembly shall be elected once in every two years, &c."

Mr. SHUMWAY moved to strike out "two" and insert "three."

Mr. ROUNTREE moved to insert "four."

Mr. DAVIS of Montgomery advocated the adoption of the last number. He said the opinion of the people of the counties he represented—Bond and Montgomery—had been fully expressed upon this subject. They were satisfied that we had been cursed by too much legislation. He thought that one session every four years, with power to the Governor to call them together when any emergency arose, was sufficient for all the legislation the people required. The people there, and even the members of the Legislature, would be able to know what laws were passed by one Legislature before the next met; which is not the case at the present.

Mr. DALE begged leave to differ from his friend of Montgomery, as to the views of the people of Bond county. True, as the gentleman said, the people of his county do complain of there being too much legislation and wish a remedy against over-legislation. But not the remedy of electing members for four years, as proposed by the gentleman.

They complain of over-legislation and the expenses attending it. The remedy for this, and it is the one which they wish, is fully furnished in the report of this committee. This report limits the time of holding sessions, so that, instead of ninety days, as heretofore, the Legislature will be able, in future, to remain in session but little over forty-two days, and too, at a pay so small as to remedy all the objections that the people of his county have against over-legislation and its heavy expenses.

This reduced pay and the short time allowed for legislation will induce the Legislature to enter immediately upon the business of legislation, and to legislate only on matters called for and necessary to be legislated on. And this is the reform which the people of his county desired.

Mr. GEDDES was in favor of the four years.—He thought that we had had too much legislation, and that it would have been much better for Illinois if there had been no Legislature for the last twelve years.

Mr. HAYES said, that it might be assumed, from the remarks of gentlemen, that Legislatures had become nuisances, which, though not the term used, was no stronger than some that were uttered by gentlemen. He admitted that there had been bad legislation, but was there not bad legislation in every State? If they so much feared bad legislation, would it not be as well to abolish the Legislature altogether? The gentleman had said that it would have been better had there been no Legislature for the last twelve years. Perhaps we might have avoided some of the evils of bad legislation, but would it not have been depriving the people of their share in the government? If he had understood anything of the nature of government, the whole conservative power of the people was in the Legislature—there they were heard, there they spoke in the administration of the government. They had a latent power in themselves to overturn the government, and establish law and order where law and order did not exist before. But the only legal power the people had was vested in the Legislature. Much had been said about bad legislation, and that it had been conducted by men who acted not to promote the purposes of the people, but rather to advance their own. Here we have a large State with a large annual revenue coming into the hands of your Auditor and Treasurer, and unless we have a Legislature, the Governor will have millions under his control; and there is no power to direct the disposition of it.

He denied the benefits of a long interval between the sessions of the Legislature. It was not tobe expected that our public servants will always be pure. That was a presumption in favor of human character. But if they had had bad legislators, we may have a corrupt executive, and the government exercised with tyranny. Many people in th[e] State thought two years too long. He thought the Convention, in carrying out reform, might go too far, and might defeat their action by attempting to do too much.

Mr. KNAPP of Scott inquired whether the long interval of

four years might not affect the election of United States Senators.

Mr. SHUMWAY said, the difficulty of the accumulation of the revenue was easily answered by saying, the Legislature can as well distribute at its session the revenue for four years as it could do for two.

Mr. LOGAN endorsed the views of the gentleman from White (Mr. HAYES.) Though no democrat, he would oppose, as our government was mixed, the executive, judiciary, and legislative or democratic departments, the abridging of the democratic part. The Auditor of Public Accounts and the Treasurer, who had large sums coming into their hands, are not responsible to any but the Legislature. Again, in case the Governor becomes corrupt, what good was the power he possessed to call the Legislature together? He would not call them to revise his acts, and we would have but one session of the Legislature during the term of the Governor. He opposed it further, because it was putting it out of the power of the people to be heard more than once in four years, while the other parts of the government went on administering it.

Mr. BOND was in favor of striking out, and inserting four years. He differed from the gentlemen from Sangamon and White, because when this Convention had done with clipping the powers of our executive, his duty will be but little more than to see the laws executed. The Governor, even at the present, has no power to draw money from the treasury, except when authorized by the Legislature. The only difficulty was the election of United States Senators, and he supposed they would have to elect them four years before.

Mr. LOGAN. They may die or resign.

Mr. BOND. They but seldom die and never resign.

Mr. MINSHALL advocated a shorter term of interval, because he thought the representative should be responsible to the people at short periods. If we adopt the term of four years, each man elected a Senator would hold the office for eight years.

Mr. PALMER of Macoupin and Mr. DAVIS of Montgomery continued the debate, the former in opposition to, and the latter in favor of, the amendment.

On motion the committee rose and asked leave to sit again; which was granted.

Mr. SCATES presented an invitation from the Sabbath Day Convention, to the Convention to attend its sittings.

The PRESIDENT laid before the Convention an invitation from the citizens of Springfield to attend the barbacue to be given to the volunteers returned from Mexico, on Saturday, July 3d.

On motion, both invitations were extended.

On motion, Messrs. ECCLES, EDMONSON, CONSTABLE and ARCHER were excused for ten days.

Mr. EDMONSON was excused from longer serving on the committee on Incorporations.

And then, on motion, the Convention adjourned till to-morrow at 9 A. M.

XXI. THURSDAY, JULY 1, 1847

Prayer by Rev. Mr. BARGER.

Mr. HOES presented a petition from a number of citizens of Livingston county in favor of a superintendant [*sic*] of common schools. Referred to the committee on Education.

Mr. MANLY moved to take up certain petitions, presented by him some weeks ago, and refer them to the committee on Law Reform. Carried.

Mr. WHITESIDE, from the committee on Military Affairs, to which had been referred the 5th article of the constitution, reported the same back, with a recommendation that it be adopted without amendment. The report and the article were referred to the committee of the whole.

Mr. THOMAS, from the committee on the Revenue, reported back a resolution recommending the appropriation of the taxes of the 16th section in each township to school purposes, and asked to be discharged from its further consideration. Report concurred in.

Mr. HAYES, from the committee on Law Reform, reported back a resolution in relation to excusing certain persons having conscientious scruples, from serving on juries, &c., and asked to be discharged from the further consideration of the same. Concurred in.

Mr. KITCHELL asked leave of absence for seven days for Dr. TUTT. Granted.

Mr. CAMPBELL of Jo Daviess gave notice that on next Monday week he would introduce the following propositions:

Resolved, That the committee on Incorporations be instructed to report the following propositions, to be submitted to the people separately, viz:

First. There shall be no bank or banks, nor any branch of any bank or banks, of any description whatever established in this State, for the term of ten years. If a majority of all the votes cast by the qualified electors of this State, shall be in favor of such

clause being inserted in the constitution, it shall then be made the duty of the Legislature, at the expiration of said term of ten years, to submit the same question to the people, to be voted on in the same manner; and it shall be the further duty of the Legislature to submit the same question every ten years thereafter, unless said proposition shall be rejected, then and in that case said clause shall be stricken from the constitution.

Second. If a majority of the qualified electors of the State shall decide against the foregoing proposition being made a part of the constitution, then it shall be made the duty of the Legislature, if at any time it shall be deemed necessary, to create by law any bank or banks, or to establish within the limits of this State any branches of any bank or banks of any other States, to submit any and every such law, so creating or establishing any such banks or branches, to the people for their approval, at least one year previous to the time fixed for voting on the same; and in case said law shall receive a majority of all the votes given at said election, then it shall be in full force and operation, otherwise to be of no force or effect whatever.

Mr. KNOWLTON offered a resolution directing an inquiry by the committee on Education. Carried.

Mr. HAWLEY offered a resolution, that a special committee be appointed to report some provision for the amelioration of lunatic, deaf, dumb and blind persons.

Mr. HARDING moved to add the word "black;" which amendment was laid on the table.

Mr. SCATES moved to add "insane."

Mr. HARDING suggested that, as the Convention were determined to do nothing for the negroes, he thought it had better insert the word "white" before lunatics, &c., for if left as it now was it would be applicable to all colors.

Mr. SCATES replied that, in cases of humanity he knew no difference in color.

Mr. ADAMS moved to lay the whole subject on the table. Carried.

Mr. WEAD offered a resolution, that the committee on Miscellaneous Subjects be directed to inquire into the expediency

of providing for fixing the seat of government of the State at Peoria. Laid on the table.

Mr. DAVIS of Montgomery offered a resolution that the committee on Incorporations be instructed to report a clause prohibiting a State Bank. Carried.

Mr. HOGUE moved to go into committee of the whole. Decided in the affirmative.

And the Convention resolved itself into committee of the whole, Mr. WOODSON in the chair, and took up the report of the committee on the Legislative Department.

The question pending was on striking out "two" and inserting "four" in the second line, and the vote being taken the committee refused to strike out.

Mr. ARMSTRONG moved to amend the same section by striking out the words "first Monday in October" (the day provided for the election of members of the Legislature) and insert "first Monday in November."

Mr. HENDERSON moved to insert the "Tuesday after the first Monday in November."

The vote being taken, the word October was stricken out.

Mr. WHITESIDE moved to fill with "first Monday in August."

Mr. SINGLETON moved to fill the blank with "3d Monday in August."

A conversational debate ensued, in which Messrs. WHITNEY, DAVIS of Montgomery, CAMPBELL of Jo Daviess, HENDERSON, KNOX, HARVEY, CHURCHILL, SCATES, GEDDES, LOGAN, PETERS, ANDERSON, WHITESIDE, KNOWLTON and ATHERTON participated. And the question being taken on inserting the "first Monday in November," it was decided in the affirmative—yeas 86, nays not counted.

Mr. ROUNTREE moved to add "and continue for ten days" after the word eight in 2d line, and at the end of the section, to provide that the elections shall continue for two days."

He said that if all our elections, for General Assembly, Presidential elections, and county officers, are to be held on one day, and by the *viva voce* system, it would be impossible to get through in one day. If we, however, adopt the ballot system, his

proposition would be unnecessary. The question was taken on the amendment and decided in the negative.

Mr. SHARPE moved to strike out "eight" and insert "nine" in 2d line—that the first elections shall be in 1849. Lost.

Mr. ROBBINS moved to insert in 4th line—"and for such length of time," so as to have the elections continue for a time to be fixed by law. Lost.

QUALIFICATIONS OF REPRESENTATIVES

The next section was then read and

Mr. MARSHALL moved to strike out "inhabitant of this State," as unnecessary. Lost.

Mr. CAMPBELL moved to strike out "five" after "twenty" in first line, and insert "one" (in the age of the Representatives,) which motion was lost.

Mr. SINGLETON moved to insert after the word resided—"five years in the State and" so that no person should be a member unless a resident of the State five years and of the county one year. Lost.

QUALIFICATIONS OF SENATORS

Mr. DAWSON moved to strike out "thirty" before "years" in the first line (the proposed longest age for Senators,) and insert "forty."

Mr. WHITNEY opposed any such amendment; and the question was taken on the motion and it was lost.

Mr. SHUMWAY moved to insert "and an inhabitant of this State," after the words "shall be a citizen of the United States." Carried.

Mr. SINGLETON moved to insert after the words "shall have resided" the words "five years in this State." Carried—yeas 70, nays 56.

Mr. HAY moved to amend so as the age should be 36 years instead of 30. Yeas 52, nays not counted. Lost.

SEC. 5. ALLOTMENTS OF SENATORS

This section was passed without any amendment.

SEC. 6. NUMBER OF SENATORS AND REPRESENTATIVES

The section reads—"The Senate shall consist of twenty-five members, and the House of Representatives shall consist of seventy-five members, never to be increased or diminished, to be apportioned among the several counties as herein provided for; and until there shall be a new apportionment of Senators and Representatives, the State shall be divided into senatorial and representative districts, and the Senators and Representatives shall be apportioned as follows:"

Mr. HARVEY moved to insert after the word "diminished," "until the Legislature shall deem it necessary." Lost.

Mr. HOGUE moved to strike out "five" after "seventy." Yeas 40. Lost.

Mr. HOGUE moved to strike out "five" after "twenty." Lost.

Mr. HARDING moved to strike out "seventy-five members, never to be increased nor diminished" and insert "one member from each county in the State at the time of the election."

[Mr. HARDING said, that the committee having decided that the legislature should consist of two branches, and that it should convene once in two years, it was necessary in fixing the number of which that legislature should be comprised, to have some reference to the decision of the committee in regard to those points to which he had alluded.—Had the committee determined to strike out from the first section "the Senate," as proposed by the gentleman from Gallatin, then it was probable, that the committee would also be prepared to strike out the number seventy-five, and insert a much larger number; but it was determined by a vote of the committee, without debate, that there should be a Senate as well as a House of Representatives in the legislative department of the government, and although he had voted against the proposition of the gentleman to strike out the Senate, from the alarm which he felt at this attempt at innovation upon the mode of organization adopted in other governments, more than from conclusions founded upon considerations of necessity and principle; yet why, he would ask, should we retain the form of a republican

government, unless we might have the substance and excellence which ought to appertain to such a government? Why incur the many inconveniences, and the expenses necessarily incident to such a form of government, unless the benefits which ought to be derived therefrom could be secured. If the members of the two branches of the legislature were to possess like qualifications, to be vested with like powers on all subjects of legislation, to be elected upon precisely the same basis of population, by the same electors, in the same manner, and for the same term, why should they be divided into two branches? It was not enough to be told that one branch was intended to be a check upon the other, unless by their different characters and constituency this desirable result was to be secured.

Despotism, continued Mr. HARDING, acts upon and oppresses mankind in different forms; sometimes in a military garb, but more frequently in an executive power, and I think that reason and experience demonstrate that it may, and that it has often assumed a legislative shape. An unchecked and unrestrained legislature, concurring as they generally do in our times, with the executive, because of like constituency, and like party character, must prove dangerous to liberty, and for want of being properly balanced, render the government unstable. I admit, Sir, that by the division of the legislative department into two branches, those branches may have a tendency to check the action of each other; but, Sir, that tendency is as chaff before the wind, when they are all elected upon the same basis of representation, and two of them according to the same apportionment. All are the offspring of the throes and labors of party strife and passion. This legislature is to be clothed with all the sovereign powers of the State, governed only by the restrictions of this constitution. What interest, sir, important though it may be, unless it can wield many votes, is safe in a government of this character? Private right and corporate right may be safe so long as shielded by an enlightened and independent judiciary. But, sir, how long can we hope that the judiciary under the proposed mode of its creation, shall withstand the sway of unscrupulous and eager party. The constitution itself, Sir, before the united flood of these streams may be overwhelmed. May not some of the able statesmen of this conven-

tion bring forward and insert in this place, or in some other portion of this article, a provision which will in practice, to a greater extent than this section proposes, give a House and a Senate dissimilar in character? I do not desire to make any such distinctions as we find in the British Parliament; but, sir, I do believe that we ought at least to imitate the mode of apportionment which prevails in regard to the two branches of Congress. The conservative principle is not always in the possession of the few, either among the people or in legislatures. The most radical, unsteady, unscrupulous and violent are often in the minority; and, Sir, when they come to possess a majority, then if unchecked by a proper organization of the departments of government, the rights, the property and the persons of those who are obnoxious to them must yield to the irresistible force of the torrent.

When this subject was before the Convention in the form of resolutions of instruction to the committee on the Legislative Department, I opposed this number by my vote. I proposed that the number of members in the house should correspond with the number of counties; and that each county should elect a representative, and that they should be paid out of the treasury of their respective counties. This, sir, although it would save more money to the State treasury than any other plan, was voted down; it was defeated through the superior address and ability of the gentleman from White.

But, sir, there is another consideration, and I much regret my inability to do more than refer to it. Could I enforce it with the arguments with which it is fraught, then, sir, I should hope to see this mode adopted; and there is no doubt that it would aid much in preserving the faith and stability of the government of this State, and it is this:—The tillers of the soil, under such an apportionment, would control in a great degree one branch of the legislature. The men who bear the burthen of taxation, upon whose broad acres rest the debts and expenses of the State, must feel the necessity, if they would be relieved of this incubus of debt, of checking extravagant legislation, of adopting a system of strict economy in regard to all the expenses of the government. A representation by counties in one branch of the legislature, would be by no means so unequal, in respect to this interest, as gentle-

men may at first suppose. It would tend to produce stability, because, sir, a large portion of these counties, although small in population compared with those in which are situated places of depot and entrepot, where the bands of the loom and the spindle congregate, are settled by the farmer and mechanic, whose steady habits and principles would not be so readily overwhelmed by the unsettled, speculative and often unprincipled population along the public works and in your large cities. Is it too much to ask, sir, that this vital, and in Illinois, most important interest should in this slight degree be favored? Sir, had this unassuming, unobtrusive, virtuous and patriotic portion of the population—this bone and sinew of the State—been more frequently consulted, had it been allowed to exert greater influence, and the busy-bodies of towns and cities less, well would it be now and hereafter for this State.

Gentlemen have often on this floor declared what were the complaints and wishes of the people. Sir, have not all the members of this Convention repeatedly heard the voice of the people, justly lamenting that the country was too much influenced by party, and do we not know that unchecked, unrestrained, faulty action has hurried the country into numerous acts of legislation which are deeply to be regretted? The representation in one branch, by counties, will check the headlong course of party. For, sir, although there may be a party governor, and a party majority in the Senate, yet it requires a majority of counties to give free scope to party bias on the part of the other two branches. Would you have the representative faithful to his trust? Then pay him out of the treasury of the county which he represents. Does he linger too long at the capitol? The accounts at the county treasury will show his delinquency, and thus another tie is established between the member and his constituency. Another advantage which will arise from allowing each county to elect a member is, that it will save much clamor and much expense in making apportionments hereafter. Make this the basis of representation, and we shall hear no more complaints of apportionments being made with reference to party interests and party objects. This will give us a stable government.][29]

[29] This speech by Harding is taken from the *Sangamo Journal*, July 8.

After some words in favor of the amendment by Messrs. HARDING and MCCALLEN, and by Messrs. SCATES and DAVIS in opposition; the committee rose, reported, had leave to sit again, and the Convention adjourned till 3 p. m.

AFTERNOON

Mr. Z. CASEY moved the Convention resolve itself into committee of the whole. Carried.

The question pending when the committee rose was on the amendment of the member from Warren; and being taken, was decided in the negative.

Mr. HARVEY moved to insert "by the Legislature" before the words "the State shall be" &c. Lost.

Mr. CHURCH moved to insert after "diminished," the words "until after the year 1860."

Mr. KINNEY of Bureau offered as a substitute for the amendment "until after the year 1860, or till the payment of the interest on the State debt shall be secured, and the Senate shall never exceed 33 members nor the House 100 members."

Messrs. KINNEY and MASON supported, briefly, the substitute, which on a division was lost.

Mr. PALMER of Macoupin offered as a substitute "until the population of the State shall amount to one million of souls, and the House shall never exceed one hundred members." Yeas 76, nays 54.

Mr. SERVANT moved to amend the substitute as adopted, by striking out "one million" and inserting "two millions." Yeas 63, nays 58.

Mr. THOMAS moved to add to the substitute "such increase shall not exceed five members at any one apportionment."

Mr. CAMPBELL of McDonough moved to lay the amendments on the table.

Mr. THOMAS raised a point of order, whether the committee had technically any table, and whether such a motion was in order. The chairman, after a consultation with the President, decided the motion in order; whereupon ensued a debate between Messrs. LOGAN, THOMAS, EDWARDS of S., CLOUD, CASEY and others, after

which the chair withdrew his decision and ruled the motion out of order.

Mr. CAMPBELL of McDonough said, that if they had no table to lay such amendments on, he hoped the Convention would buy one at once.

The amendment was then lost. Yeas 58, nays 59.

Mr. LAUGHLIN moved to amend the substitute by making it read "until the year 1860 when the Legislature may increase the House to one hundred members." Lost. Yeas 49, nays 66.

Mr. DEITZ submitted the following as a substitute for the substitute:—"until 1860, when the Legislature may increase five members and the same number every five years thereafter, till the House shall reach one hundred in number."

Mr. SINGLETON moved the committee rise. Lost.

The question, after a brief debate, was taken on the last proposed substitute, and it was carried. Yeas 71, nays 57.

The amendment as amended was then adopted. Yeas 66, nays 57.

Mr. WHITNEY moved the committee rise. Carried. The chairman reported and it had leave to sit again.

Mr. SHARPE asked leave of absence, for six days, for Dr. CHOATE, of Hancock county. Granted.

Mr. SINGLETON asked leave of absence for Mr. MARSHALL of Mason for five days. Granted.

Mr. CAMPBELL of McDonough offered a resolution that no member shall receive pay for time not given to the Convention, except when absent on account of sickness.

Mr. THOMAS moved to lay it on the table. The yeas and nays were demanded and ordered, and then the motion to lay on the table was withdrawn.

Mr. SCATES renewed it, and the question being taken, on laying the resolution on the table by yeas and nays resulted—yeas 49, nays 91.

The use of the Hall was given to Mrs. BROWNE and daughters, for a concert to be given on Saturday night to the returned volunteers. And then, on motion, the Convention adjourned till to-morrow at 9 a. m.

XXII. FRIDAY, JULY 2, 1847

Prayer by the Rev. Mr. BAILEY.

Mr. SCATES moved that leave of absence be granted to Mr. CANADY, for six days. Granted.

Mr. KNOWLTON asked leave of absence of four days for Mr. LANDER. Granted.

The resolution pending at the adjournment yesterday, was on the resolution, as amended, of Mr. CAMPBELL of Jo Daviess, and

Mr. GEDDES offered a substitute for the resolution, and the vote being taken thereon, resulted—yeas 67, nays 20; no quorum.

Mr. Z. CASEY moved a call of the House. Ordered.

The call was then made and 130 members answered to their names. On motion, further proceedings under the call were dispensed with,

And the substitute was laid on the table.

Mr. BUTLER offered the following as a substitute for the resolution:

That each member of this Convention give in the number of days of his attendance upon honor, including the number of days he has been absent on leave, and on account of sickness, and those he has actually attended in this Convention, and the same be certified to by the President.

Mr. WHITNEY moved to lay the whole subject on the table; on which motion the yeas and nays were ordered and resulted—yeas 59, nays 70.

Mr. CAMPBELL then accepted the substitute.

Mr. SINGLETON offered an amendment—"that each member give in the number of days for which he is entitled to pay and the President certify to the same.

Mr. KNOWLTON offered as an amendment, that when any member shall be absent at prayers, he shall be docked in his per diem 25 cents; at the reading of the journal, 10 cents; at the time of making a speech by any member, two dollars; at the offering of

any resolution, thirty-seven and a half cents; and at the calling of the yeas and nays, five dollars.

On motion, the previous question was ordered, and the vote being taken on the last amendment by yeas and nays, resulted—yeas 19. Lost.

Mr. WORCESTER moved that the Convention adjourn till Tuesday morning. The yeas and nays were ordered, and the motion was withdrawn.

A motion was made that the Convention adjourn till Monday next; and the yeas and nays being ordered and taken, resulted—yeas 8, nays 122. The question was taken on the amendment of Mr. SINGLETON, and decided in the negative.

And the question being taken on the resolution as amended, by yeas and nays, it was decided in the affirmative.

Mr. BUTLER offered the following preamble and resolution:

Whereas, incorporations, clothed with exclusive powers and privileges, are contrary to the spirit and fundamental principles of our republican institutions; oppressive to the best interests of the people at large; and tend to unequal, unjust and oppressive monopolies; making the rich richer, and the poor poorer; and whereas, by such monopolies and exclusive privileges, the capitalist is enabled to control the particular branch of business in which he may engage, and conduct the same to the exclusion of the truly worthy and deserving; making wealth predominate over merit, virtue and integrity; and whereas, the chartering by law and protecting incorporations in the exercise of such exclusive, unequal and unjust power and privileges, tends to the concentration of capital and the business of the country in the hands of the few, and to the establishment of an aristocracy of wealth, and to the subjection of the many to mere dependents and servile operators; therefore,

Resolved, That the committee on Incorporations be instructed to enquire &c. of prohibiting the Legislature from hereafter creating any companies, associations or corporations—by special act, with exclusive powers and privileges, except for municipal purposes, and except in such cases where the objects of such association, company or corporation cannot be accomplished under the provisions of a general law which may apply equally to all persons.

Mr. LOGAN said, he had no objection to the resolution, as it

was one directing a mere enquiry; but the preamble contained certain principles which he did not think the Convention would adopt. He asked a division of the question. And the vote was taken on the adoption of the resolution, and it was adopted.

Mr. McCALLEN then moved that the preamble be laid on the table. The yeas and nays were demanded, and were ordered, and resulted yeas 64, nays 67.

Mr. LOGAN said, it was evident John Thompson had been hunting up his stray cattle and had been successful; and as this question would lead to debate he moved its postponement till Monday week, when the resolutions of the gentleman from Jo Daviess would come before the Convention. Carried.

Mr. SHUMWAY moved a resolution instructing the committee on Incorporations to report a clause prohibiting the establishment of a United States bank or any branch thereof in the State.

Mr. SINGLETON offered as a substitute for the resolution that no member of the Convention be allowed for his own use, any of the paper or ink furnished by the State; and that no member be allowed pay for fractions of day's attendance.

Mr. VANCE moved to adjourn till 3 p. m.

Mr. ATHERTON moved to adjourn till Monday week.

Mr. BROWN moved to adjourn till Tuesday next.

The motion to adjourn till Monday week was lost.

The motion to adjourn till Tuesday next was decided by yeas and nays as follows: Yeas 4, nays 128.

Mr. BROWN moved to adjourn till Monday, and the vote was taken by yeas and nays, as follows: Yeas 7, nays 121.

The motion to adjourn till 3 p. m., was lost.

Mr. GREEN of Tazewell made a few remarks on the state of things in the Convention, and

Mr. SINGLETON withdrew his substitute.

Mr. DEITZ moved to add to the resolution, "without first obtaining leave of the Legislature."

Mr. SHUMWAY moved to lay the amendment on the table. Carried. The resolution was then postponed till Monday week next.

Mr. SINGLETON then offered his resolution, (same one as before withdrawn.)

Mr. LOGAN moved to lay it on the table. The yeas and nays were demanded, ordered and taken, and resulted—yeas 76, nays 50.

Mr. HILL offered a resolution that the Convention shall meet daily hereafter (Sundays excepted) at 8 a. m., and 2 p. m.

Mr. CAMPBELL of Jo Daviess offered as an amendment that, in computing the pay of members for attendance, Sundays be not included. A motion to lay the amendment on the table was made, and the yeas and nays demanded and ordered.

Mr. GEDDES moved the Convention adjourn till 3 p. m.

The yeas and nays on the motion were taken, and resulted—yeas 56, nays 69.

Mr. HAYES moved to adjourn till 2 p. m. Lost.

The yeas and nays were then taken on laying the amendment on the table, and resulted—yeas 62, nays 46.

Mr. SERVANT offered a resolution that when this Convention adjourn, it adjourn till Monday next.

Mr. CAMPBELL of McDonough moved to lay the resolution on the table, till 3 p. m. Yeas 80. Carried.

Mr. LAUGHLIN moved the Convention adjourn till 3 p. m. Carried.

AFTERNOON

Mr. GEDDES moved to take up the resolution to adjourn till Monday. Carried. Yeas 77, nays none. And it was adopted.

Mr. THOMAS moved the Convention adjourn. Lost.

Mr. EDWARDS of Sangamon moved the use of the Hall be granted to Mrs. Browne and daughters on Saturday night for a concert to be given to the returned volunteers. Carried.

Mr. BROWN moved the Convention adjourn. Lost.

Mr. LOGAN moved the Convention resolve into committee of the whole. Carried, and Mr. Z. CASEY was called to the chair.

The committee took up the report of the Legislative Committee, at the 6th section which was under consideration when the committee rose on yesterday.

Mr. HARDING moved to amend said section by inserting after the word "districts" where it first occurs, the following: "no county shall vote for more than one member of the House of

Representatives."] Decided in the negative. Yeas 24, nays not counted.

Mr. HARDING moved to insert after "apportioned," where it first occurs, "so that no election district shall be enlarged unless the fraction over the ratio of population, exceed one-third the ratio, and then not unless with contiguous territory." Yeas 55, nays 61.

Mr. LOGAN offered the same amendment except instead of "one-third," it read "one-fourth."

Mr. ROBBINS moved to add to the amendment "so that each county having not less than three-fourths of the ratio shall be entitled to one representative." Which amendment to the amendment was lost.

Mr. LOGAN then withdrew his amendment.

Mr. HAYES moved to strike out the words "as hereafter provided for" and insert "in all future apportionments when more than one county shall be thrown into a representative district, all the representatives to which said counties may be entitled shall be elected by the whole district." Which was adopted.

Mr. SCATES moved to strike out "twenty-five and seventy-five" and insert "thirty-five and sixty-five." Lost.

SEC. 7. TIME OF MEETING OF THE LEGISLATURE

Mr. THOMAS moved to strike out January, 1849 (the time of the meeting of the first Legislature under the constitution) and insert December, 1848. Lost.

Mr. EDWARDS of Sangamon moved to add that the Legislature "shall not continue in session for a longer period than sixty days."

Mr. BROCKMAN moved to add to the amendment, "and the Governor shall have the power to prolong the session, if in his opinion the public interests demand the same." The two amendments were decided in the negative.

SEC. 8. OFFICERS OF THE TWO HOUSES AND QUORUM

Mr. WEAD moved to strike out "two-thirds," with a view to insert a larger number to constitute a quorum. Lost.

Sec. 9. Yeas and nays on any question shall at the desire of any two members be entered on journal.

Mr. GRAHAM moved to strike out "two" and insert "one." Lost.

Sec. 10. Any two members may protest &c., and have their reasons entered on the journal.

Mr. McCALLEN moved to strike out "two" and insert "five." Lost.

Sec. 11. Each house may, with the concurrence of two-thirds, expel a member &c.

Mr. LEMON moved to strike out "two-thirds" and insert "a majority." Lost.

Mr. VANCE moved to insert after "two-thirds" "of all the members elect." Carried.

Mr. PALMER of Macoupin moved to add: "and the reasons for such expulsion shall be entered on the journal, with the names of members voting for the same." Yeas 65, nays 46. Carried.

Secs. 12, 13, 14 and 15, were passed without any amendment.

Sec. 16. passage of bills

Mr. KENNER moved to add, "and no bill shall become a law without a concurrence of a majority of all the members elected from each house." Yeas 62, nays 28.

No quorum. The committee rose and the chairman reported to the Convention that the committee was without a quorum.

Mr. LOGAN moved that the committee have leave to sit again on Monday. Yeas 100, nays 10.

Mr. GEDDES moved the Convention adjourn. Carried, and the Convention adjourned till Monday next, at 10 o'clock a. m.

XXIII. MONDAY, JULY 5, 1847

The Convention was called to order by Mr. EDWARDS of Sangamon at the request and in the absence of the President.

Prayer by Rev. Mr. BERGEN.

Mr. BUTLER presented two petitions from citizens of Lake county, praying certain reforms in the Legislative Department; which were referred to the committee on that department.

And, also, a petition from the same source, praying the election of district attorneys, &c., by the people. Referred to committee on Organization of Departments.

Also, a petition, from the same source, praying the abolition of county commissioners' courts.

Mr. EDWARDS of Madison, Mr. DUMMER, Mr. HILL, Mr. ANDERSON, and Mr. DAVIS of McLean, presented petitions, praying the appointment of a State school superintendent. Referred to committee on Education.

Mr. VERNOR presented petitions from citizens of Washington county in relation to naturalization of foreigners. Referred to committee on Bill of [Rights.]

Mr. SCATES moved that the Convention resolve itself into committee of the whole on the report of the committee on the Legislative Department.

The Convention then resolved itself into committee of the whole—Mr. Z. CASEY in the Chair. The question pending when the committee rose on Friday was on the amendment to the 16th section of the referred article, and being taken was decided in the affirmative.

SEC. 17. All bills for raising revenue shall originate in the House of Representatives, &c.

Mr. CHURCH moved to strike out the section. Lost.

SECTION 18. Every bill shall be read on three different days in each House, unless in case of urgency, when three-fourths of the House where such bill is so depending shall deem it expedient to dispense with this rule; and every bill, having passed both Houses,

shall be signed by the speakers of their respective Houses; and no private or local law which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title; and no general law shall be in force until published.

Mr. BALLINGALL moved to insert after the words "general law," the following: "shall contain any matter not pertinent to the title and first section [t]hereof." Lost.

Mr. HOLMES moved to strike out "published" and insert "sixty days after its passage." Lost.

Mr. PETERS moved to insert after "Houses," where it occurs last, "nor shall any bill become a law until the same shall have been printed for the use of the members." Lost.

Mr. KNOX moved to strike out the words "private and local;" which was carried.

Mr. WEAD moved to strike out "and no general law shall be in force until published." And he gave as a reason for this, that the fact of "publication of a law would, hereafter, lead to great uncertainty. The motion was afterwards withdrawn.

Mr. HAYES moved to reconsider the vote by which the words "private or local" had been stricken out. And the same was reconsidered, and the question being taken upon that motion to strike out, it was decided in the negative.

Mr. SINGLETON offered an amendment, which being modified at the suggestion of Mr. LOGAN, was adopted as follows:

Strike out all after the word "title," and insert "and no private or public act of the General Assembly shall take effect, or be in force, until after the expiration of sixty days from the end of the session, at which the same may be passed, unless in case of emergency, the Legislature shall otherwise direct, by a vote of two-thirds of each branch of the Legislature.["]

Mr. THOMAS moved to strike out the words "private and." Carried.

SEC. 19. STYLE OF LAW

No amendment.

Sec. 20. The sum of two dollars per day, for the first forty-two days' attendance, and one dollar per day for each day's attendance thereafter, and ten cents for each necessary mile's travel, going to and returning from the seat of government, shall

be allowed to the members of the General Assembly, as a compensation for their services.

Mr. CROSS of Winnebago moved to strike out "forty-two" and insert "sixty." Yeas 44, nays 50. No quorum. By unanimous consent, the vote was taken again. Yeas 48, nays 55. No quorum.

The committee then rose, and the chairman reported to the Convention that the committee was without a quorum.

Mr. Z. CASEY moved a call of the Convention.

Mr. CAMPBELL of Jo Daviess suggested that as the object of the call was only for the purpose of ascertaining whether a quorum was present or not, he hoped that the President would count the members present.

Mr. CASEY withdrew his call.

Mr. THOMAS renewed the motion for a call, and it was ordered. And one hundred and twenty-eight members answered to their names. The Convention then resolved itself into a committee of the whole—Mr. CASEY in the Chair.

And the question being on striking out, the same was decided in the negative—yeas 51, nays 64.

Mr. CROSS of Winnebago moved to strike out "two dollars" and insert "not exceeding three dollars." Lost.

Mr. SCATES moved to insert before the word "attendance," wherever it occurs, "actual;" decided in the negative.

Mr. WILLIAMS moved to add to the section, "and no more." Carried.

Mr. ROUNTREE offered an amendment allowing the Speaker of the House of Representatives $1 additional pay each day; the clerk of the House and secretary of the Senate to be allowed $3 a day; the assistant secretaries, door-keepers and engrossing clerks $2 per day.

Mr. LOGAN moved to amend the amendment by allowing the Speaker $2 per diem additional.

Mr. KITCHELL moved the committee rise; decided in the affirmative—yeas 58, nays 50. The committee rose, reported progress, and asked leave to sit again; which was granted.

And then, on motion, the Convention adjourned.

AFTERNOON

The Convention met, but few members being present, a call was ordered and made; and after the absentees had been again called a quorum appeared.

Mr. THOMAS moved the committee go into committee of the whole. Carried, and Mr. Z. CASEY was called to the Chair. The Convention then resumed the consideration of the report of the committee on the Legislative Department. The question pending was on the amendment proposed by Mr. LOGAN to the amendment of Mr. ROUNTREE; and the question was taken thereon and decided in the negative.

Mr. WILLIAMS moved to amend the amendment by striking out all except so much thereof as related to the pay of the Speaker; which was adopted—yeas 65, nays 44.

Mr. SCATES moved to allow the President of the Senate the same pay as the Speaker of the House of Representatives. Lost.

Mr. McCALLEN moved to insert, after "two dollars a day," the words, "in gold and silver, or its equivalent;" decided in the negative.

Mr. ADAMS offered, as an additional section to be numbered 21, the following: "The per diem and mileage allowed each member, shall be certified by the Speaker of each House, and shall be entered upon the journal." Carried—yeas 80, nays not counted.

Mr. DEITZ moved to strike out the words "ten cents for each necessary mile's travel," and insert "fifteen cents," &c. Lost.

Section 21. No amendment.

SEC. 22. No senator or representative shall, during the time for which he shall have been elected, or during one year after the expiration thereof, be appointed or elected to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during such time.

Mr. WHITESIDE moved to strike out all after the word "elected," where it first occurs, and insert, "be eligible to any civil office under the authority of this State."

Mr. WEAD moved to insert in the amendment, after "civil office," "or place of trust;" which amendment was accepted; and the question being taken, it was lost.

Mr. THORNTON moved to insert, as an additional section, the following: "And no person who has been or may be a collector or holder of public moneys, shall have a seat in either house of the General Assembly until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable."

Mr. WEAD moved to insert after the words "civil office," "or place of trust." Carried.

Mr. HILL moved to strike out "one year after the expiration thereof." Lost.

SEC. 23. The House of Representatives shall have the sole power of impeaching; but a majority of all the members present must concur in an impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose, the senators shall be upon oath, or affirmation, to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of all the members present.

Mr. DAVIS of Montgomery moved to strike out the word "present" and insert "elected." Carried.

Mr. SCATES moved to strike out "two-thirds," and insert "majority." Lost.

Section 24. No amendment.

SEC. 25. No judge of any court of law or equity, secretary of State, attorney general, attorney for the State, register, clerk of any court of record, sheriff or collector, member of either House of Congress, or person holding any lucrative office under the U. States or this State, (provided that appointments in the militia, postmasters, or justices of the peace, shall not be considered lucrative offices,) shall have a seat in the General Assembly; nor shall any person holding any office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of this State.

Mr. BALLINGALL moved to insert after "shall" where it first occurs, "during the time he shall hold the office, be eligible," &c. Lost.

Mr. DAVIS of McLean moved to strike out "Postmasters." Carried.

Mr. HURLBUT moved to strike out "Register" and insert "Recorder." Adopted.

Sec. 26. No amendment.

Mr. SCATES offered as another section a long series of defined powers to be conferred upon the Legislature. He then, briefly, explained the necessity of placing in the constitution limitations on the powers of the Legislature, and the question being taken thereon, it was lost.

Mr. WEAD offered as an additional section the following:

The Legislature shall never grant or authorize extra compensation to any public officer, agent, servant or contractor, after the service shall have been rendered or the contract entered into. Adopted.

Mr. WILLIAMS moved to re-consider the vote by which Mr. SCATES' amendment was lost. And the same was re-considered. After a short discussion upon the proper mode of bringing the matter understandingly before the Convention, by Messrs. Minshall, Servant, Peters, and Davis of Massac the proposed section was withdrawn.

Mr. HARVEY moved to add "that the Legislature shall never have power to appropriate more than ———— dollars for contingent expenses." Lost.

Mr. EDWARDS of Sangamon offered as an additional section the following:

The General Assembly shall direct in what manner suits may be brought against the State; and no claim against the State shall be allowed until proven and established before some tribunal and afterwards approved by the Legislature.

Mr. KITCHELL moved to strike out all after the word "tribunal," which was decided in the negative; and then the proposed section was adopted.

Sections 28 and 29. No amendments.

SEC. 30. The General Assembly shall have no power to authorize, by private or special law, the sale of any lands or other real estate belonging in whole or in part to any minor or minors, or other person or persons, who may at any time be under any legal disability to act for themselves.

Mr. EDWARDS of Sangamon moved to strike out all after the words "in whole or in part to any," and insert "individuals," and the amendment was adopted.

SEC. 31. The General Assembly shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals rights, privileges, immunities, or exemptions, other than such as may be, by the same law, extended to any member of the community who may be able to bring himself within the provisions of such law; nor shall the Legislature pass any law whereby any person shall be deprived of his life, liberty, property, or franchises, without trial and judgment.

Mr. BUTLER moved to insert after the word "individual," where it first occurs in the section, "corporations or associations." Lost.

Mr. EDWARDS of Sangamon moved to insert after "individual" where it first occurs, "nor to pass any law authorizing any proceeding in any court affecting the property or rights of any individuals other than is allowed under the general laws of the State." Yeas 62, nays 41; no quorum voting. By unanimous consent a second vote was taken and the amendment was adopted.

Mr. SCATES moved to strike out all after the words "provisions of such law." Before any question was taken thereon Mr. GEDDES moved that the committee rise, and ask leave to sit again; which motion was granted, and the committee rose, the chairman reported progress and asked leave to sit again; which was granted.

Mr. SCATES moved that certain amendments to the report of the Legislative committee, be laid on the table and printed; which motion was agreed to.

And then, on motion, the Convention adjourned till to-morrow at 9 A. M.

XXIV. TUESDAY, JULY 6, 1847

Prayer by the Rev. Mr. DRESSER.

Mr. ROBBINS presented a petition of sundry citizens of Randolph county, praying the exemption of a homestead from execution; referred to the committee on Law Reform.

Mr. SERVANT presented a petition of sundry citizens of Kaskaskia in relation to certain commons granted to them. Referred to a select committee of five.

Mr. WEAD presented a petition of 62 citizens of Fulton county, praying the appointment [of] a State superintendent of Education; referred to the committee on Education.

The PRESIDENT laid before the Convention a communication from the Auditor of Public Accounts, in reply to a resolution of the Convention, requiring information of the amount of revenue since 1839, with reports from the clerks of 17 counties.

Mr. THOMAS moved that the report and accompanying documents be laid on the table and 500 copies printed.

Mr. KITCHELL suggested that the report and documents be referred to the committee on Revenue, for the present.

Mr. THOMAS withdrew his motion, and the documents and report were referred to the committee on Revenue.

Mr. HARVEY, from the committee on Incorporations, presented the report of the majority of the committee; which report he moved be laid on the table and 200 copies be printed. 500 and 1,000 were suggested, and 1,000 copies were ordered to be printed.

BANKS—INCORPORATIONS

Majority Report

ARTICLE———— CORPORATIONS

SEC. 1. Corporations not possessing banking powers or privileges may be formed under general laws, but shall not be created by special acts except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws.

SEC. 2. Dues from corporations, not possessing banking powers or privileges, shall be secured by such individual liabilities of the corporators, or other means, as may be prescribed by law.

SEC. 3. No State bank shall hereafter be created, nor shall the State own, or be liable for, any stock in any corporation or joint stock association for banking purposes.

SEC. 4. No banking powers or privileges shall be granted either by general or special acts of incorporation, unless directed by the people of the State as hereinafter provided.

SEC. 5. The Legislature may, at any session, but not oftener than once in four years, direct the vote of the people to be taken, on the day of the general election, for or against the absolute prohibition contained in the fourth section of this article, six months' notice having first been given; and if a majority voting shall decide against the prohibition contained in the said fourth section, the Legislature may authorize the forming of corporations or associations for banking purposes by general acts of incorporations, upon the following conditions:

1st. No law shall be passed sanctioning in any manner, directly or indirectly, the suspension of specie payments.

2d. Ample security shall be required for the redemption, in specie, of all bills and notes put in circulation as money, and a registry of all such bills and notes shall be required.

3d. The stockholders in every corporation and joint stock association for banking purposes issuing bank notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association for all its debts and liabilities of every kind.

4th. In case of insolvency of any bank or banking association, the bill holders shall be entitled to preference in payment over all other creditors of such bank or association.

5th. Non-payment of specie shall be a forfeiture of all banking rights and privileges, and the Legislature shall not have power to remit the forfeiture or relieve from any of its consequences; and provision shall be made by law for the trial, in a summary way, by the judicial tribunals, of all contested questions of forfeiture of banking privileges.

SEC. 6. Acts of incorporation for municipal purposes, whether general or special, may at any time be altered, amended or repealed, and all general acts granting corporate powers of any kind other than for municipal purposes may at any time be altered, amended or repealed. But such alteration, amendment or repeal shall, unless the right to make the same be reserved, operate prospectively.

Mr. HARVEY, from the same committee, reported back sundry resolutions, (Mr. PRATT'S resolutions,) in relation to a provision to be inserted in the constitution, that all contracts based upon paper currency shall be void, and asked leave to be discharged from the further consideration of the same. Concurred in.

Mr. KINNEY of St. Clair presented a report from the minority of the committee on Incorporations.

Minority Report

SEC. 1. No corporate body shall be hereafter created, renewed, or extended, within this State; with banking or discounting privileges.

SEC. 2. Corporations shall not be created in this State by special laws, but the Legislature shall provide by general and uniform laws, under which corporations, or associations of persons, may be formed, and not otherwise, except corporations with banking or discounting privileges, the creation of which is prohibited.

SEC. 3. No person, corporation, or association of persons, shall be allowed to make, issue, or put in circulation, within this State, any bill, check, ticket, certificate, or other paper, or the paper of any bank or its branches, or any evidence of debt, intended to circulate as money.

SEC. 4. No branch, or agency, of any bank or banking institution in the United States, or any State or Territory, within or without the United States, shall be established or maintained within this State.

SEC. 5. The members of such corporations, or associations of persons, shall be individually liable for the debts, liabilities and acts of such corporations, or associations, and for the consequences resulting therefrom.

On motion ordered that 1,000 copies be printed.

Mr. HARVEY, from the committee on Incorporations, to whom had been referred various propositions in relation to banks, reported the same back to the Convention, and asked to be discharged from the further consideration of them. Concurred in.

Mr. JENKINS, from the committee on the Division of the State into Counties, and the Organization thereof, made a report, which was laid on the table and 500 copies ordered to be printed.

Mr. TURNBULL presented a report of the minority of the same committee, which was laid on the table and ordered to be printed with the other.

Mr. JENKINS, from the same committee, made a report in accordance with certain instructions from the Convention, and recommended that the same be not adopted. Ordered that 500 copies be printed.

Mr. JENKINS offered a resolution of inquiry; referred to the committee on Judiciary.

Mr. LOGAN moved the Convention resolve itself into committee of the whole. And the Convention went into committee of the whole—Mr. WOODSON in the chair, and resumed the consideration of the report of the Legislative committee. The question pending at the time of adjournment yesterday was on the striking out of the latter clause of the 31st section, all after the words "such law."

Mr. HARVEY advocated the motion to strike out, on the ground that the clause as it stood now would effectually deprive the State of the power to sell land for unpaid taxes. He contended that if this were done, the State would be deprived of one of her main sources of revenue; and of the only means of collecting taxes due by non-resident landholders.

Mr. WILLIAMS followed in opposition to the motion. He thought that the introduction of the question of tax upon land, into the question was unnecessary and uncalled for. He thought the only proper question was, should the Legislature have power to pass laws whereby a man's liberty or property could be taken away, without first obtaining for that law the sanction and approval of the judicial branch of the government. This was secured by the words "a trial of judgment," now proposed to be stricken out. He then went into an elaborate discussion of the

nature and propriety of selling a man's property to pay taxes thereon; thus depriving and disseizing a man of his freehold, without a trial and judgment of a court; which he said was in violation of the great fundamental princ[i]ples of our government. He pointed out the great length the courts of Illinois had gone to in sustaining tax titles, and the unjust and unrighteous consequences thereof upon the land owner.

Mr. LOGAN opposed not only the last clause, but the whole section. Its language was new, and unfamiliar to the courts and to the people; it could not be so readily understood as the old, long known and sufficient language contained in the bill of rights. He thought we would be going too far in thus binding and prohibiting the Legislature from doing anything which that section might be construed to embrace.

He then explained at some length, the clause proposed to be stricken out, and said that the words "the Legislature shall not pass any law whereby any person shall be deprived of his life, liberty, property or franchise, without trial and judgment," had a much greater effect than some gentlemen seemed to put upon them. He interpreted those words, as prohibiting the arrest, or seizure of any person on *mesne* process, or the detention of any man's property (no matter what the circumstances of the case might be) by attachment. He argued for some time on the inconvenience and disadvantages of such a law. He put this case among many others: that no man could be put in jail upon any charge, and detained there for a moment, without depriving him of his liberty. Now, the clause proposed to be stricken out, said no man could be deprived of his liberty without a "trial and judgment;" and how, he asked, was this to be done. How could a man have a "trial and judgment," be tried and adjudged, unless he appear and be tried. He proposed that in the bill of rights, and not in this article of the constitution, there should be inserted the well known provision, found in all constitutions and taken from Magna Charta, that "no man should be deprived of his life, liberty, &c., unless by a trial of his peers and the law of the land." After entering into the bearing this clause had upon the question of a sale of land for unpaid taxes, he moved that the whole section be stricken out.

Mr. PALMER of Macoupin was in favor of the section remaining as it had been reported by the committee. He thought that the provisions in the first part of the section, were wise, and should be adopted; and the mere fact of their not being in familiar language was not sufficient for him to vote against them. He thought that the cases put by the gentleman from Sangamon, as necessarily following the adoption of the latter clause, were extreme cases and could be easily avoided by a further provision in some other part of the constitution.

Mr. DAVIS of Montgomery said that at first he was in favor of the motion to strike out, but from what had been said, he was now in opposition to that motion. He was wholly opposed to striking out the first part of the section, where it prohibits the suspension of general laws for the benefit and convenience of private individuals; and put to the Convention an example of its operation. He said the Legislature had been for many sessions beset by applications for extension of time to sheriffs and collectors, in which to make their returns. In one case in his county the time had been extended to a sheriff, and that extension had released his sureties, and now the same man was more unable to account with the State, than he was at the time of the suspension. He was also opposed to the passage of any special law, suspending general laws for the benefit of any individual. He did not care much whether the provision should be retained in this article, but he desired it should be somewhere in the constitution.

Mr. WEAD said, that he had known for years, and had heard and witnessed much of the extraordinary ingenuity of the gentleman from Sangamon, and the influence he exerted over men's minds by his perseverance and ingenuity where he had some particular object to carry. He never dreamed that any member of the Convention could be induced to reject the section, until he heard the argument of that gentleman, and remembered his great talent in carrying out his views, and accomplishing what he undertakes by special and ingenious argument. He says that this provision is contained in new language and difficult to understand; that it will lead to confusion and chaos in the interpretation of it by courts of law; that it cannot be comprehended unless it shall be passed on by courts of law. Mr. W. read the clause: "Shall

not suspend any general law for the benefit of any particular individual." Cannot this be understood by any man? Does it require a court of justice to pass on this to enable the gentleman from Sangamon to understand it? We all know the gentleman's ability to comprehend such things, and measuring this language by the gentleman's ability to understand, must we not believe that he can understand it without the aid of a court of justice? We must come to that conclusion. Now, sir, if he can and does understand its meaning, and advocates that it be stricken out, should we not infer that he is opposed to the restriction, and in favor of granting the power to the Legislature to create laws bestowing this evil of special privileges? Does he understand the clause, or is he in favor of granting the power? On which horn of the dilemma is he? Mr. W. read the next clause: "Nor to pass any law for the benefit of individuals inconsistent with the laws of the land." Is there anything in this difficult to be understood? Cannot the gentleman from Sangamon understand the plain language of that clause, or is he in favor of leaving with the Legislature the power which this clause prohibits? What is it but a prohibition against the granting to one man privileges and powers not conferred or enjoyed by all. The same argument will apply to the whole of the first part of the section. He then came to the last part of the section: "Nor shall the Legislature pass any law whereby any person shall be deprived of his life, liberty, property or franchises, without trial and judgment." He had heard the able and ingenious argument of the gentleman against this section, and upon its effect upon the titles to land derived under tax sales, and notwithstanding their ability, &c. he would attempt to answer them. He said that in other States it had been over and again decided that no man should be disseized of his freehold and his land sold except on a judgment of law; that they had decided that no land should be sold for non-payment of taxes except on a judgment. But the supreme court of Illinois had decided otherwise. Here was a great difference in opinion upon a great principle of right, and in judicial interpretation of the power to deprive a man of his freehold. This provision was intended to meet this difficulty by setting, in the constitution, the true and proper meaning and construction of law on this subject, and with

a view to preserve, inviolate, the right of property. It is said that the question is, shall land be sold for taxes or not? That, said Mr. W., is not the question. If I understand the provision now before us, or the views of the honorable author of it, the question is, shall land be sold for taxes without having first a judgment? Mr. W. then went into an inquiry of the nature of the titles by which the greater part of the land in the military tract were held, and advocated the adoption of the clause proposed to be stricken out, because it would require a judgment before a sale of property. He cited several cases showing where this provision would operate advantageously.—Without concluding, he gave way to a motion that the committee rise.

The committee rose, reported progress and asked leave to sit again.

The Convention then, on motion, adjourned till 3 P. M.

AFTERNOON

The Convention met, no quorum appearing, on motion, a call of the Convention was ordered. After a quorum appeared and further proceedings were dispensed with,

Mr. MARKLEY moved the Convention resolve itself into committee of the whole—Mr. WOODSON in the chair, and resumed the consideration of the report of the committee on the Legislative Department.

Mr. WEAD resumed his remarks. He denied that it would be more difficult to overturn or set aside a deed given under a sale after judgment, than it would be under a deed without a judgment, and as had been previously the case in this State. He proceeded to give a history of the various laws passed by the Legislature in relation to taxes. In 1823 the first law was passed for the sale of land for taxes. It required that, before the sale, they should be advertised, and then the Auditor might go on and sell them without any judgment. That law said the Auditor's deed should convey a perfect title to the purchaser, no matter how it had been advertised, or whether anything had been done according to law. The deed was sufficient—it conveyed a perfect title. In 1827 this law was changed. It required the land to be advertised in a particular manner, but when the Auditor gave a deed, it vested in the

purchaser a perfect title; and it made no difference whether it had been advertised according to law or sold for the right amount, &c. The deed vested a perfect title. It swept everything from the tax payer without any trial or judgment. Our courts had uniformly decided that the mere deed shall be full and conclusive evidence of title, without requiring any proof of the execution of the deed, or of any of the pre-requisite facts, mentioned in the law. Could any judgment of a court give a better or a stronger title than this? But it begun [*sic*] to be doubted whether the perfect title could be given to the purchaser under this deed, as that article of the bill of rights says no man shall be disseized of his freehold, &c. And in 1839 the legislature passed a law saying that a judgment should be had before a sale of a man's property. But our supreme court said, that the provision, said to be in the Magna Charta, did not apply to such cases, as the deed was a patent. Mr. W. then read from the law of 1839, the various facts which the tax deed shall be conclusive evidence of, and throwing upon the man claiming the property under the original grant, the necessity and difficulty of disproving them. This latter he contended it was almost impossible to accomplish, in consequence of no records being kept by the officers, of those transactions, necessary for him to make out his case. He contended that the policy of all legislation in this State, from 1823, had been to make these deeds the strongest kind of titles, and conclusive evidence of the facts necessary to establish them. But the supreme court had at length decided that a judgment was necessary, and then a law was passed requiring a judgment.

Before this law the deed of the Auditor was omnipotent—changed a man's property at once; now you must first have a judgment and an execution. It was to secure this, that the present provision was inserted; strike it out and you take away the last safeguard a man has over his property. In the course of Mr. W'.s remarks, he replied to the argument of Mr. LOGAN, in relation to the effect this clause would have upon holding a man's property, under an attachment and the arrest under *mesne* process; and denied that any such interpretation could be placed upon it as argued by Mr. L.

Mr. LOGAN repeated his former views of the question in all its

bearings upon the tax question, and deprecated too much action on the part of the Convention in providing a remedy and a prohibition for every imaginary evil. He thought, as has been said, that all the wisdom of the State had not been exhausted in forming that Convention, and that we should trust much to the discretion and judgment of the Legislatures to come after us. He thought that while we were complaining so much of too much legislation, there was also a danger of our performing too much constitutioning. He said the present provision was in the words "trial and judgment," which were very different in their import and effect from the former and well known phrase—"trial by his peers and the law of the land:" and he argued at length that the words "law of the land" should be inserted after the clause as it now stood; or, if the clause were stricken out, that those words, with such other provisions as might be deemed necessary, should be inserted in the bill of rights. He objected to a prohibition being inserted in the constitution restraining the Legislature from suspending any general law for the benefit of private individuals. He had voted for suspending such laws in more instances than one; and if such cases should arise again, and he denied that he could say they would not, he would always vote for it. He alluded to the cases where the whole American bottom was overflowed by the great freshet in '44, and when the people of that section of the country lost everything they had, or only secured so much as to enable them to live till such time as they could regain in some measure the means of subsistence, then the sheriffs of those counties applied to the Legislature for an extension of their time for making their returns, because they could not, in many cases, collect taxes without seizing upon what little had been spared the people by the flood. The Legislature had suspended the law upon these circumstances, he had voted for it, and would any man in the Convention oppose it, or refuse to grant an extension of the time under such terrible and afflicting circumstances? He had also voted for an extension of time to collectors and sheriffs when the offices in which their books and accounts had been kept were destroyed by fire, and they were unable to account with the Auditor. He pointed out that under this section no charters could be granted to individuals to construct railroads or any other kind of

improvement, for if they did it was conferring upon those persons chartered privileges which other persons did not enjoy.[30]

Mr. PALMER of Macoupin said he could not see the great difficulties in this section which had been pointed out by the gentlemen, and which they had discovered to be so alarming. The language appeared plain to him and not in anyway to be misunderstood. It was a prohibition against special laws and a suspension of general laws for the benefit of particular individuals. He thought the cases mentioned by the gentleman last up—the cases of the flood—and of fire, might be provided for by a general law, giving the Legislature a power under certain circumstances which would enable them to meet these cases. It had been said that this prohibition would put an end to all railroads being constructed by private individuals. Now, when an object can be obtained by a general law, as well as by special laws, general laws should be adopted. Suppose a law be passed that A. and B. shall have the privilege of constructing a railroad from Alton to Springfield, it is a special law, and the same object can be obtained by a general law, that any person may construct that road, thus bringing all persons who have the means of bringing themselves within the provisions of the law, into competition and permitting them to make the road.

Mr. THOMAS. Will the gentleman show me how a man can, under a general law, obtain an exclusive privilege?

Mr. PALMER. Suppose the gentleman and I are desirous to have a certain quarter section of land, and we both start tonight to Edwardsville for that purpose; I arrive there first and have the land entered in my name. I thus, under a general law obtain a peculiar special privilege and right in that land, to the exclusion of every one else. I hope the gentleman considers himself answered. I obtain this right under no special act, but simply from superiority of speed with which I started. This same rule, if applied to railroads, would be found to act as well; for it would then enable every man, with means, to enter into the business.

Mr. WILLIAMS made some remarks in reply to what had

[30] A longer account of Logan's speech may be found in the *Sangamo Journal*, July 15.

been said about the law of the land, and argued in favor of the retention of the last clause. He also alluded further to the question. The question was then taken on the motion to strike out the whole question, and decided in the negative.

The question was taken on the motion to strike out the last section, and decided in the negative.

Mr. WILLIAMS moved to add to the section the following words: "in court, provided nothing herein contained shall prevent the passage of any law for seizing and holding persons or property by mesne process until such trial can be had."

Mr. HARVEY moved to insert after the words "trial and judgment" the words "or law of the land." And the question being taken on the last amendment, it was decided in the negative —yeas 46, nays 63.

Mr. THORNTON moved to insert after the word "law" where it last occurs, "provided the General Assembly shall have power to grant such charters of corporation as they deem expedient, and not prohibited."

And the question was taken on Mr. WILLIAMS' amendment, and it was decided in the affirmative.

Mr. MARKLEY moved that the committee rise. Carried.

The committee rose, reported progress and had leave to sit again.

Mr. LOGAN asked leave for the ladies of the Episcopal church of this city to occupy the Senate chamber on Thursday next. Granted.

The Convention, on motion, adjourned till to-morrow, at 9 A. M.

XXV. WEDNESDAY, JULY 7, 1847

Prayer by Rev. Mr. HALE.

Mr. CROSS of Winnebago presented a petition praying the appointment of a superintendent of common schools. Referred to the committee on Education.

Mr. HOLMES presented a report from the minority of the committee on Military Affairs; read, laid on the table and 200 copies ordered to be printed.

Mr. LOGAN moved the Convention resolve itself into committee of the whole. And the Convention went into a committee of the whole, and took up the report of the committee on the Legislative Department—Mr. WOODSON in the chair.

Mr. DAVIS of McLean moved to strike out all after the word "to," where it first occurs in the section, to the word "pass," where it occurs last.

Mr. LOGAN said, he would be glad if some member of the committee who had reported this section would explain the meaning of the words "nor to pass any law granting to any individuals rights, privileges, immunities or exemptions other than such as may be, by the same law, extended to any member of the community who may be able to bring himself within the provisions of such law."

Mr. SCATES said, that he would state what his understanding of the language was. Suppose a railroad was wanted from Alton to the Indiana line, and the Legislature should pass a general law authorizing the same, but requiring that a subscription should be opened and let every man subscribe to the stock who had the means. This would be a law open in its privileges to all who had the means of bringing themselves within the provisions of the law, and not a special charter to a few individuals. The language of the section is to prohibit special acts of incorporations. If gentlemen will understand it all, it means then all these things are to be accomplished by general laws, instead of special acts of legislation. He was not opposed to the Legislature passing laws

allowing persons to make roads or canals, but he wanted those laws to be general in their nature and not special. He alluded at some length to the great cost which it had been to the State in consequence of these acts of special legislation being continually before the Legislature and the great amount of time wasted in their deliberation.

Mr. LOGAN thought it meant no such thing. He thought it offered no check to special charters of incorporation by the Legislature. As to the case of the railroad subscription, that case did not come under the language of this section, for if a charter of incorporation, granting certain rights, privileges and immunities to those who subscribe, were passed by the Legislature, those only then who first subscribed, would be entitled to the rights, benefits &c., for no one else can bring themselves within the provisions of the law after the stock is taken. Does this prevent special charters? Suppose the Legislature should grant an act of incorporation to the Chairman and Judge Scates, to make a road—no one can bring himself within the provisions of the law, but those two; it is then left with the Legislature to say who shall bring themselves "within the provisions of the law." This would be nothing more than a special act of incorporation. He did not desire this kind of provision, if gentlemen desired that no special charters should be granted, why not say so plainly, in language which every man could understand; and leave out these ambiguous terms.

Mr. DAVIS of McLean said, he had made the motion to strike out for a two-fold purpose. No one could foresee the great difficulties which this ambiguous language contained in this section would cause hereafter, and would throw in the way of private relief, in meritorious cases, by the Legislature. The case mentioned yesterday of the suspension of the time for a sheriff's return in consequence of the great freshet in '44 was conclusive to his mind, and should be so to all. He objected to the binding down of the Legislature by constitutional provisions, against granting any relief from a general law in meritorious cases. He protested against the wholesale abuse that gentlemen were continually throwing upon the past legislatures of the country. They, it might be, had done wrong, but they were not to blame, they

represented public opinion and were driven by the force of that public opinion into what they had done. He did not desire to see incorporated into the constitution any provision which shall require legislation and judicial interpretation upon it. If gentlemen desired to say that no special charters should be granted, let them come out and say so in terms that any man can understand.

Mr. BROCKMAN was opposed to striking out any of this section, except the words "such as may be able to bring themselves within the provisions of the general law;" for he did not believe there was a man in the State who was unable to avail himself of the privileges of a general law. Gentlemen saw something important in this provision; it was full of meaning. Why should a general law be suspended for the benefit of a private individual? In the county of Brown they had lost over $1,000 by extending the time to a collector, and such would always be the case if this power was left to the Legislature. They say this provision will prevent the making of any more *railroads* through the State! Gentlemen think and feel that this provision will act on their favorite—the *bank* question! And so it does, sir; and for that very reason I will vote against striking out. This section is full of meaning. Suppose we reverse its language, and let it read, the Legislature shall have power to suspend general laws for the benefit of private individuals. It would then be easily understood by the gentlemen; and it may be as easily understood in its present shape. He said, that he had been opposed to the last clause in the section, because it interfered with the primary arrest of persons charged with crime, &c., but as that had been amended he would vote for it.

Mr. SCATES still could not see any objections to the section, as had been argued by the gentlemen. If those gentlemen who think it does not prevent special charters and special legislation would vote for it he would be satisfied. The cases put yesterday, where a suspension had been made, could be provided for in another section; they could insert a power in the constitution, that the Legislature could, in case of the destruction of a sheriff's books by fire, extend the time for that officer's accounting, to the next session of the Legislature. He pointed out many cases where losses had occurred by an extension of time to these officers, and the releasing thereby of their sureties. He objected to the many

reprimands that had been delivered to him in consequence of his having spoken of the evils of past legislation, and because he had endeavored to have adopted certain necessary remedies of the evil, and guards against a recurrence of it. The people had called this Convention to remedy that evil, and their representatives should be heeded when they asked that these things should be done. If everything was to be left open for the patriotism, discretion, and purity of future legislatures, it would be better to have no constitution. But the people required a constitution and that in it the powers of the Legislature should be limited, and the evils of past legislation remedied.

Mr. DAVIS of Massac said, that various opinions had been expressed as to the meaning and proper interpretation of these provisions in this section. He was firmly of the opinion that nothing contained in it prohibited, but authorized, a general banking system, and this he was sure was not contemplated by the gentleman from Jefferson.

Mr. SCATES said, that he supposed there would be other provisions in the constitution upon the subject of banks, and had no thought of it in respect to this section.

Mr. DAVIS. It is thought by many that these provisions will restrain the acts of the Legislature, and to prevent the General Assembly from passing acts which tend to impair the public good. He did not entertain a doubt but that they authorized a general banking system, and that every man who could bring himself within the provisions of the law, will be entitled to enter into that system. If he thought it would prohibit such a thing he would vote for it; but believing that it would allow that system, he would vote against it and for striking it out. He was extremely sorry to differ from the gentleman from Jefferson, but he felt satisfied that if that gentleman would give the subject some consideration and mature reflection, he would come to the same conclusion. He was in favor of a single, plain provision, that the Legislature should grant no special charters or acts of incorporation, and would prefer it to one which will lead to so much difficulty, debate, and strife, as this provision would when it came to be acted on by the Legislature.—He had a different opinion in relation to the duties and objects of this Convention than that entertained by some gentle-

men. He thought they had not come there for the sole purpose of saving a few dollars, but for the nobler and higher object of making an organic law of the land, which was to govern the people and secure them the greatest prosperity. Government should be so established as to give it the power to do everything necessary for the public good; and he thought we should not restrict the Legislature within limits too narrow to enable them in all cases to act for the good of all the people.

He had no doubt but that this provision will authorize general banking throughout the State; he was satisfied that this will be the undoubted and certain—the common sense—interpretation that will be placed upon it. Is the gentleman from Jefferson ready to go for it after having declared banks of every description a curse upon the land? He thought that when gentlemen understood this, the provision would not have so many advocates.

He asked, is it prudent to divest the Legislature of all power? He thought more evil would result from this prohibition, than would if the whole matter was left open. He explained the force of it, under the interpretation which he said would certainly be placed upon it, to be: A and B are authorized to bank, &c., and any man who can bring himself within the provisions of the law is authorized to carry on banking, this would be the sure and positive result. Is there anything in this section providing that A and B shall not be incorporated? Not a word. Again, any man who can subscribe to stock in a railroad company, brings himself within the provisions of the law, and there is no preventive against such incorporations, and thus are brought about the very consequences which the gentleman from Jefferson has opposed, and again will the prosperity of the State be blasted and destroyed.—It was his serious conviction that it would be better to leave the constitution as it is, than to have any provision which will authorize a general banking system, allowing the creation of these monsters all over the State, leaving its impress on the prosperity of the people forever.[31]

Mr. WILLIAMS said, he was not present at the meeting of the committee when the section now before the Convention was

[31] A longer account of this speech by Davis (of Massac) may be found in the *Sangamo Journal*, July 15.

adopted. He felt more interest in the principle contained in the last clause, and in committee he brought it forward, and the committee tacked it on the end of the section. That matter having been settled, he thought that the first provisions of the section ought to be stricken out. It would be remembered that he had not advocated the first part of the section, but had confined himself to the latter clause. Let those, said he, who are in favor of such a provision and prohibition go to work and make up something and have it inserted, in some less ambiguous terms, in the bill of rights, or some other part of the constitution; and not have this section burdened with language and provisions so ambiguous in their expression as to lead to much difficulty hereafter, and to so many different interpretations.

Mr. POWERS said, he was a member of the committee, and was present when this part of the section was adopted. The committee thought it proper to guard against a suspension of general laws for the benefit of private individuals; but for one, he was satisfied that the case mentioned yesterday by the gentleman from Sangamon, in relation to the suspension in favor of the sheriffs of that part of the State which had suffered so much from the great rise in the river, showed conclusively that cases might arise when such suspensions would be just and proper. He did not see, however, that under the second provision of the section that the Legislature would have the power to authorize general banking. That provision, in his opinion, would defeat all special charters; and if any doubt was entertained the other provisions in the constitution, in relation to that subject, would settle the matter.

Mr. HARVEY said, that on yesterday he was in favor of the first part of the section, but now he was ready to vote against all of it, and would state his reasons. There were many in the Convention who were in favor of a prohibition against banks, to be inserted in the constitution. Now, if he understood the gentleman from Massac, general banking might be established under this section, and for that reason he would vote against the section. If he (Mr. H.) was in favor of a general banking system he would vote against the section, and if opposed to such a system he would vote against the section. It was too ambiguous and indefinite,

and he thought it a cowardly way of fighting the question. Let the principle be stated plainly, and not shelter the scheme behind a provision couched in ambiguous language. The prohibitionist and the anti-prohibitionist, each, see their object in this section; it blows hot, and it blows cold, but he thought that it would be found to blow neither. Now, if this section came to be passed on by the judiciary what would be the decision? If the gentleman from Jefferson was the judge of the supreme court, we should have a total prohibition interpretation; if the gentleman from Sangamon was the judge, we would have a general banking interpretation; for he believed that both of these gentlemen have expressed their true opinions on the subject.

Mr. H. alluded to the fact that this provision would not enable a man to establish a ferry on our rivers, because every man had not the same right; and he asked, were they prepared to say we should have no ferries because their owners enjoyed rights not enjoyed by all?

Mr. SERVANT was of opinion that this provision was very little understood, either by its friends or opponents, and it reminded him of an anecdote told of an Irishman, who was asked what was the meaning of metaphysics. He replied, "when you see two men disputing and arguing upon some subject, and neither understands what the other has said, nor what he is saying himself, nor what is the subject of debate—that is metaphysics."

Mr. PALMER of Macoupin said, that the only serious objection to the provision was its ambiguity. So far as that was concerned he thought it plain enough to be understood by any one who was disposed to do so, and he would say to the gentleman from Knox that he, nor any of those "fifty-eight" with whom he had voted in opposition to banks in any shape, were disposed to fight behind any ambiguity; they sought no cowardly means to accomplish their ends; they desired to fight no bush fight. But the gentleman's position could be compared with that of a man who came into town one day, very drunk, and sat down in the street, declaring that the whole town was drunk and he only sober; so with the gentleman from Knox, he cannot see the meaning of this sentence, and therefore thinks no one else can understand it. He thinks everybody else is drunk and does not see himself

staggering. Mr. P. had a word to say in relation to banks, which he did not think in any way effected [*sic*] by this provision. Hereafter, in some other part of the constitution, in some other section, would be inserted a provision in relation to incorporations; and will any ambiguity contained in this section have bearing upon that express provision on the particular subject? It is a well established legal rule, that where there is any provision in a law open and plain upon any particular subject, that any other section, which, if it stood alone, might have a bearing upon that subject, shall not affect the question as settled in the section upon the particular subject. Now, the questions of ferries and banks, if we provide for them specially, will not in any way be affected by any bearing this section may have upon those subjects. Again, suppose we say that nothing contained in this section shall have any reference to the subject of banks or ferries, would it not be admitted that such a declaration would obviate the difficulty? Well, if a well established legal principle of interpretation has the same effect, then the objections of the gentleman from Knox, from Massac, and from Sangamon and other objectors fall to the ground. The gentleman from Randolph has, as we sometimes say, taken water; he says this section may be perverted to other purposes than intended by the committee or the Convention. The committee who reported this section, knew that the subjects of banks and incorporations had been referred to another committee, and supposed that a provision would be reported to be inserted in the constitution, which would settle the matter. Mr. P. again repeated that the "fifty-eight," were no bush fighters, and would be found ready to meet their opponents on the subject of banks, in a fair and open field.

Mr. LOGAN said, he had taken the meaning he placed on these provisions from the gentleman from Jefferson, who said it was to prevent special charters; but it appeared that even the friends of the section were not of one opinion as to its meaning. He said he believed the interpretation of the gentleman from Macoupin was the correct one. But there was no general law that would not have to be suspended in some cases, or acts should be passed which would protect certain persons; for instance, the judges of our courts should be privileged from arrest, the members

of the Legislature, jurors and witnesses, while in attendance, should be privileged from arrest. These persons all enjoyed rights, privileges and immunities not enjoyed by the rest of the community. Would any man be in favor of depriving those persons of that right and privilege from arrest? If so, a man who desired to defeat a cause had only to have issued a writ, and the judge would be arrested sitting on the bench; witnesses would be arrested and taken away, and a man might lose his case in consequence. These were cases, and there were many others which this section did not provide for, and which would be defeated were it allowed to pass.

Mr. SCATES explained what his interpretation of the section was—to prevent special legislation—and renewed his opposition to the motion to strike out.

Mr. KNOWLTON said, he was sick of this 31st section. He had heard all that had been said upon it and his opinions had not been changed in anywise. He did not understand the section at first nor did he now. Organic law should be plain in its provisions, so plain that all might understand it clearly; there should be no ambiguity in its language. If the object was to prevent special legislation, let the section read—"there shall be no special legislation" and then we would know what we were speaking about. The gentleman from Macoupin was uncharitable to those who could not comprehend this section, and he had compared them with the drunken man who thought all others were drunk and he alone sober. He (Mr. K.) would inform the gentlemen that if they were drunk on this question they had used a little better liquor than had John Thompson.

Mr. THORNTON withdrew his amendment.

[Mr. EDWARDS of Sangamon said that his desire was to avoid all inconsistency, and to prevent the possibility of any misconception, and this, he thought, would have been accomplished by the proposition which he had intended to offer. [Mr. Edwards read the proposition referred to.] His proposition was entirely different, he said, from the one now under consideration. It provided that no charter of incorporation should be granted, nor any private act passed, when the object could be as well attained by

a general law. And the proposition went on to provide that no private act should be passed at the expense of the State. He held that there had been an abuse of this power on the part of the legislature, and he thought that the exercise of the power ought to be restrained. It was true that it would have to be left to the discretion of the legislature to say what should be considered to be an act of public necessity, requiring special legislation, as in the regulation of the police of towns, which was now a custom to be provided for by general enactment. It had been very properly said, that it was necessary to restrain legislation in regard to private enactments. Nine-tenths of the laws at present passed by the legislature, were purely private acts, in which the people at large had no interest. His resolution provided that in case of the application for the passage of a private act, all the expenses attending it should be borne by the party for whose benefit it was intended.][32]

Mr. CALDWELL moved to strike out all between the word "exemptions" and the word "nor," in the last sentence, and to insert after the word "pass," "any special or private."

Mr. HAYES thought the question, as it presented itself on these two last amendments, was open for a better discussion than at any time before, and he hoped gentlemen would express their views upon it.

The question was taken on the motion to insert, and decided in the negative; the motion to strike out was also decided in the negative.

The question then was on the motion to strike out the whole of the section except part of the last sentence, as made by the gentleman from McLean, and being taken separately on each paragraph, was decided in the affirmative.

Mr. GEDDES moved the committee rise. Lost.

Mr. WILLIAMS moved to add to the section, "or for collecting taxes by distress and sale of personal property without judgment." Carried.

Mr. HOGUE moved to strike out the whole section as it now stood; pending which motion, the committee rose, reported

[32] This insertion is taken from the *Sangamo Journal*, July 15.

&c., and had leave to sit again. And then on motion the Convention adjourned to 3 p. m.

AFTERNOON

Mr. Z. CASEY offered the following resolution:

Resolved, That this Convention will adjourn *sine die* on Friday, 31st inst.

Mr. MARKLEY moved the Convention go into committee of the whole; decided in the affirmative and the Convention resolved itself into committee of the whole—Mr. WOODSON in the chair, resumed the consideration of the 31st section of the report of the Legislative committee.

Mr. LOGAN said as this section was a pet of his friend from Adams, who was sick, he hoped it would be laid aside for the present. Agreed to.

SEC. 32. In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the white inhabitants of this State shall be made, in such manner as shall be directed by law; and the number of senators and representatives shall, at the first session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants.

Mr. MARKLEY moved to amend by inserting after the word "law," where it first occurs, the following:

And in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States, may be adopted by the General Assembly as the enumeration of this State.

Mr. EDWARDS of Sangamon offered the following as a substitute:

The apportionment of Senators and Representatives shall be made according to the census, which may be taken by the order of Congress, next preceding the making such apportionment, among the several counties or districts to be established by law, in proportion to the number of white inhabitants.

Mr. WHITNEY opposed the substitute as unfai[r]— in its

operation to those counties whose population was increasing, and advocated the amendment first proposed.

The question was taken on the substitute, and the same was rejected.

Mr. WILLIAMS suggested that under the proposed amendment, an extra session of the Legislature must be called to apportion the State.

Mr. LOGAN moved to add to the amendment—"said apportionment shall take place at the first regular session of the Legislature after the census shall be taken;" which was accepted, and the question being taken on the amendment, it was adopted—yeas 80, nays 40.

Mr. THOMAS offered as an additional section, to come after section 32, the following:

Senatorial and Representative districts shall be composed of contiguous territory, bounded by county lines, and only one Senator allowed to each senatorial, and not more than three Representatives to any one representative district; *Provided*, that cities and towns containing the requisite population shall be divided into separate districts, but the ratio of representation in such cities or towns shall be equal to one and a half of that required for counties, and not more than two Representatives shall be allowed to each of such districts.

Mr. NORTHCOTT moved to strike out "three," in the proposed section, and insert "one." Lost.

The question was then taken on the section, to the word "provided;" and it was adopted—yeas 79, nays 40.

Mr. MINSHALL moved to strike out "and town," in the second clause of the section. Lost. And the question being taken on the second clause of the section, it was adopted—yeas 74, nays 48.

Mr. THOMAS offered, as an additional section:

In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio shall form separate districts and the excess shall not be computed, but shall be added together and given to such county or counties in the same judicial circuit not having a

Senator or Representative as the case may be, which has the largest white population.

Mr. HARDING offered the following as a substitute:

Whenever a county shall be entitled to a separate Senator or Representative, and has an excess of population over the existing ratio, such excess, unless it amounts to more than one-fourth of such ratio, shall be disregarded; and whenever a county has two Representatives, and has an excess, such excess, unless it amounts to more than one-half the existing ratio, shall be disregarded.

Mr. HAYES opposed the substitute as unjust, atrocious and unfair in its provisions, and as depriving one portion of the people of the right of representation. He opposed any arbitrary rule, which would restrain the people in having their most sacred right of representation, and throw away in the apportionment a large body of the people.

Mr. LOGAN advocated the adoption of the substitute, which although it might deprive a fraction of the people of a representative, it would also prevent any apportionment for party purposes, by the dominant party in the Legislature. He alluded to the apportionment made by the Legislature in 1840, when counties in reference to the state of parties had been tacked together, for the purposes of securing a political majority. He cited several cases of this kind, particularly the joining of Randolph and Monroe counties.

Mr. CALDWELL moved to lay the substitute on the table.

The CHAIR decided the motion out of order.

Mr. CALDWELL said, he would vote against the proposition and the substitute because he deemed them unjust and oppressive. Unjust because it deprived a part of the people of the right of representation, and of a sacred franchise.

Mr. SERVANT advocated the substitute, as it prevented such iniquitous and atrocious apportionment as had been made by the Legislature in 1840. He alluded to the case of attaching Randolph and Monroe, which had been put into one district, for party purposes; and that democrats had acknowledged that such was the object.

Mr. HAYES. The secret is out. The object of this rule has been divulged—it is the welfare of the universal whig party! If

that apportionment was iniquitous, it was in the power of the Legislature to alter and change it. Mr. H. pursued the subject at some length, and alluded to the fact, that a few days ago the gentlemen were loud in their condemnation of party spirit in the Convention, and that they desired it should be dispersed, like the mists of morning before the rising sun. But now their song had changed, and their object was to secure whig representatives in the Legislature, which might be defeated if this rule was not adopted.—Mr. H. argued at some length on the subject, and in opposition to a rule which had been admitted to be unjust and unfair.

The discussion was continued by Messrs. DAVIS of Montgomery, TURNBULL, GEDDES, and LOGAN, in favor of the substitute, and in disclaiming for their party, the introduction of party spirit; and by Messrs. BROCKMAN, DAVIS of MASSAC and HAYES, in reply.

Mr. PALMER of Macoupin agreed with the gentleman from Sangamon, that it was right to restrain a dominant party from doing evil, but he differed from him in the mode of so doing. Not one of the advocates of the rule insisted that the principle contained in it was just or correct; they did not deny that it will disfranchise part of the people. He had illustrated this same thing a few days ago, when the same principle was before them, by showing that a county might lack one vote, or a fourth of the fraction, and thus lose its representation. The gentlemen from Sangamon and Morgan this morning were in favor of leaving the legislature unrestrained—of giving them full rope, but now they introduce a proposition which they acknowledge is based on a false principle, and desire that it be incorporated into the Constitution, which will prevent the Legislature from so apportioning the State as to give all the people a representation.

Mr. POWERS moved the committee rise and report progress. Carried. The committee had leave to sit again; and then, on motion, the Convention adjourned.

XXVI. THURSDAY, JULY 8, 1847

Prayer by the Rev. Mr. BARGER.

PERSONAL

Mr. HAYES said,

Mr. President, I would ask the attention of the Convention to a matter personal to myself. I wish to correct a newspaper misrepresentation.

I find in the Shawneetown Gazette, of the 30th of June, a letter, dated June 17th, 1847, which is known to have been written by one of the editors of that paper, occupying a seat on this floor by the courtesy of the Convention. In that letter, besides some comments which I do not purpose to notice at this time, I find the following passages: "I must, however, give Mr. HAYES the advantage of one remark which he made during the course of his speech (which you will see reported in the Register) in favor of the poll tax—for he took ground in its favor." But having gone thus far in approving the effort itself, let me now introduce for your reflection, one sentiment with which he *ornamented* it. In advancing the opinion that the people of Illinois were willing and disposed to pay the tax, he thought it was not oppressive upon the poor—the poorer classes owed it as a *duty* to their government to submit to this tax—*they* now paid no tax to support the government, (the rich paid it all)—and they (the poor) were therefore a *parsimony upon the bounty of the rich.*" So much of this letter as purports to be a report of the remarks which I made upon the poll tax, is an entire misrepresentation, both of my language and its spirit. I did not discriminate invidiously between different portions of our people. I did not say, "they (the poor) now paid no tax to support the government, the rich paid it all." I did not use the language, printed in italics, "they (the poor) were, therefore, a *parsimony upon the bounty of the rich.*" Nor did I use any expression which could be construed into such ridiculous nonsense. The obvious effect of this letter is

to create the impression that my speech was an abusive harangue against poor men.

It is true I have never played the demagogue or claimed to be the especial champion of the poor, either on this floor or elsewhere; but I submit it to every member of this Convention whether I have at any time ridiculed poverty. I have experienced its distresses, and know how to sympathize with those who suffer them, and would be the last to say anything in disparagement of them.

Mr. DAVIS of Montgomery said, that in that paper—the Shawneetown Gazette—there had appeared an article in relation to himself; though he cared nothing for what was said in any paper, he took occasion to say, that the article alluded to was unqualifiedly, prematured and basely false, in every part, from beginning to end.

The reading of the newspaper article was called for by many members, and was read by the secretary. It consisted of a number of letters, purporting to give an account of the proceedings of the Convention. After the reading,

Mr. DAVIS of Massac said, that he had risen not only to complain of the injustice of that report in relation to himself, in the misstatement it contained in reference to what he had said on the subject of a poll tax, but of some things said in it which reflected on the character of this body, and which might require some action on the part of the Convention. He said, that the remarks made by him on the question of a poll tax were misrepresented, wholly misrepresented, by that reporter.

Mr. KNOWLTON said, that he desired to say a few words in relation to this matter. In the preceding number of that paper just read he had come in for a larger share of abuse than had been dealt out to any other member. The reporter had represented him as saying that the heroes who had fought from Bunker Hill to Yorktown never murmured at taxation, with some comments upon my knowledge of history and acquaintance with dictionaries and Murray's grammar. He would say to that man, whose form he had seen moving about the hall, that there was one book which he (the reporter) had never opened, and that book was the history of truth, that to him was a sealed book, the language therein was to him unknown! Mr. K. cared nothing about what a man writes

in the papers concerning him; for if those letters should be copied into the papers at his home, he thought his friends knew enough of him to disregard them; and he would have said nothing now unless this subject had been introduced, and because he thought this due to set himself right in the eyes of strangers. Any man who is permitted to sit in this hall, and states in regard to the members what is false, basely, maliciously false, and then turns round and attacks the Convention as a body, is unworthy to be allowed here, and almost too low to notice.

I would say to that man, that when he advises the Convention to adjourn to the other State house, twenty miles above St. Louis, that it would be more proper for him to go there and engage in the works of that place, and give us the benefit of his example.

Mr. KITCHELL thought that the writer of those letters was unworthy of the least notice on the part of the Convention or of its members.

Mr. CALDWELL rose to make an inquiry. He thought that it was advisable that the name of the writer should be known. It had been said that he sits at a desk on this floor, and it is presumed that his name is known to the President.

No reply being made, the subject dropped.

Mr. SERVANT presented a petition from a number of citizens of Kaskaskia, in relation to commons; referred to the select committee on that subject.

Mr. Z. CASEY, from the committee on the Revenue, to whom had been referred the communication of the Auditor and certain documents in relation to the amount of county revenue, &c., reported the same back, and asked to be discharged from the further consideration of the same. Agreed to, and laid on the table.

Mr. PRATT offered as an additional rule—that no member shall be allowed to speak on any one subject longer than 30 minutes at one time. A motion to lay it on the table was lost—yeas 34, and the question being taken on its adoption, it was decided in the affirmative—yeas 84.

Mr. MARKLEY moved to amend the 18th rule, by striking out that portion which allows members, in committee of the whole, to speak more than twice on any subject. After a short

debate, in which Messrs. PRATT, MARKLEY, BROCKMAN, ALLEN, and Z. CASEY advocated the motion, and Messrs. MINSHALL, THOMPSON, HURLBUT, CAMPBELL of Jo Daviess, DAVIS of McLean, and KINNEY of Bureau, opposed the motion, the question was taken by yeas and nays, and resulted—yeas 58, nays 78.

[Mr. PRATT advocated its adoption. He was not disposed, he said, to place any improper restraint upon discussion, but he would suggest the fact that nearly two-thirds of the time in committee of the whole, was occupied by six or eight gentlemen, prompted apparently by an ambition to lead. There was no doubt whatever about the salutary nature of free and full discussion, but so far from having a free interchange of thoughts and opinions the debate as he had observed, was chiefly confined to a few gentlemen, to the exclusion of those who were less ambitious, but whose opinions he had no doubt, were of as much value as those which they were forced to hear so frequently reiterated. He thought that unless gentlemen who were so prominent in debate on all occasions had a greater fund of thought than had yet been developed they would experience no difficulty whatever in affording all the light, and in shedding all the intelligence which it was in their power to furnish upon any given subject, without speaking more than once. He trusted it would not be supposed that he offered these remarks in a censorious spirit, but he confessed that he had found it very irksome to listen to so many editions of the same speech, and in order to avoid, if possible, a repetition of the evil which he thought had become sufficiently apparent to all, he was in favor of the motion of the gentleman from Fulton.

Mr. MINSHALL said, he was not a talking man himself, and was not much in favor of long speeches, at the same time he could not see that much advantage would result from the alteration of this rule. It was one which had been in practice he believed, from time immemorial, ever since anything like deliberative bodies had been known. If gentlemen were not disposed to listen to much speaking they might attain their object by refusing to go into committee of the whole.

The debate was continued by Messrs. PALMER of Macoupin, ALLEN, THOMPSON, MARKLEY, MASON and BROCKMAN.

Mr. CAMPBELL of Jo Daviess said, he hoped the motion would not prevail; he was opposed to it for the same reason that he was opposed to the resolution which had been passed this morning limiting the duration of the speeches of delegates to thirty minutes each. He was opposed to it because he did not desire to see any innovation made upon the principles of parliamentary law, which had been established and confirmed by the wisdom and experience of ages.

Mr. DAVIS of McLean said, he believed the rule which had been adopted restricting the speeches of members to thirty minutes, had passed without attracting the notice of the convention generally. He was of opinion that if it had been reflected upon it would not have been adopted. He did not suppose that he would himself desire to occupy more than thirty minutes at one time, but he protested against the assumption that no gentleman in the convention would need a longer time to express his views upon certain subjects. There were subjects to be discussed with which some gentlemen were pre-eminently familiar; subjects to which they had devoted their lives, and upon which they were qualified therefore to enlighten the convention; but it would be in vain to expect anything like a full elucidation of the subject if the speaker was limited to thirty minutes. They were assembled for the purpose of consulting together upon the common good and of bringing their labors to a certain result, and before a single article of the constitution had been adopted, before they had completed one solitary item of their work a proposition was introduced that the convention should adjourn in the space of about three weeks. He must be permitted to say that if a proposition of this kind had come from a young man he would have considered that it had been brought forward for the purpose of making capital at home, but coming as it did from a gentleman of established standing and reputation, a gentleman who held so large a share in the estimation of the community as did the gentleman from Jefferson, he could not of course suppose that it proceeded from any such motive. Would it be within the range of possibility to get through

in three weeks? He certainly thought it would not. The Louisiana convention, consisting of seventy members, were engaged for four months and a half in forming the constitution of that State. The New York convention was in session one hundred days, and they acknowledged that they had not time sufficient to perfect their work. He believed that if in three months time they succeeded in framing a good constitution, it would be considered by everybody that they had done well; but if they adjourned within three weeks and made an imperfect constitution, as must necessarily be the case, they would have done worse than nothing. The sessions of the legislature although they recurred every two years lasted three months, and yet this convention which was assembled for the purpose of forming an organic law to last for centuries, was expected to complete its work in a few weeks. He was opposed to all propositions to adjourn until they had finished the work which they came to perform.

After some remarks from Mr. KINNEY of Bureau,

Mr. Z. CASEY observed that he did not desire to continue this discussion, but merely to make a single remark in reply to the gentleman from McLean. He was sincerely desirous that the labors of the convention should merit and receive the approbation of their constituents, and in order that they might merit and receive that approbation, he thought they should be performed within a reasonable time. It seemed to him that it should be one object, at least with the convention, to do up the business for which they were assembled, within a reasonable time. He was inclined to the belief, and he thought that almost any gentleman would concur with him in this, that if the mode of discussion which had been hitherto pursued in this body, were to be continued through all the ramifications of the various subjects to be considered, they would find themselves sitting for the next eighteen months. He was perfectly sincere when in offering the resolution yesterday upon the subject of adjournment, he had stated that before he had left home he believed the business of this convention might be finished in six weeks. He was now convinced that it could not under two months; but he was inclined still to believe that if gentlemen would confine themsleves within reasonable bounds in debate, it could be concluded without exceeding two

months. He would inform the gentleman from McLean that he had no desire to act for bunkum. He had no future aspirations, here or elsewhere, to be gratified. He desired to see the convention form a constitution that would be acceptable to the people, and that would tell upon the future destinies of the State; but he was convinced that if they sat there for six months, engaged in this wild (perhaps he had better take that word back,)—in this wide range of debate that had been indulged in, he doubted very much whether they would be able to succeed at all in accomplishing the object for which they were assembled. He thought, therefore, it would be better that they should be confined to a reasonable time for finishing the work; and he was convinced that in this way it would be more satisfactorily accomplished. He, for one, was for expediting the business of the convention, and in order to do this, they ought to limit the duration of the session to a reasonable time.

Mr. SINGLETON said he was opposed to any rule that would restrict in any degree the expression of opinion . . . uld be glad to see a rule adopted, if . . . . . now in existence, whi . . . .to the ques- . . . . . .admit, ...been . . . . only. . . . . if made which had not shed new light upon the questions discussed. He was for a full and free discussion. He had not come here for the purpose of saving time. If that had been the object of the constituency of this body, they would have refrained from sending them here. If time and expense were what they wanted to economize, the convention would not have been called together. They had in view a higher purpose; they were assembled for the purpose of amending and improving the organic law of the State; for the purpose of changing and improving their form of government. This was a matter to be done with very great deliberation. He would ask if any gentleman would be prepared to decide upon a question from merely hearing it read at the clerk's table? Some gentlemen after having expressed their own opinions, would no doubt be quite willing that the question should be taken without further debate; but he for one was not disposed to constitute himself the judge as to when a question had been sufficiently debated; the constituents of other gentlemen had reposed confidence in their discretion, and he might be permitted to say in their talking

powers, to do something for them—something to forward their views and to promote their interests, and he was not for depriving them of the opportunity of exercising these powers; and if it were to take until December, he was for giving to every member an opportunity to express his views upon every subject that was to be determined upon. He hoped the proposition would not be adopted.][33]

Mr. EDWARDS of Madison presented the following preamble and resolutions:

Whereas, we have just learned, with deep emotion, that the remains of Col. J. J. HARDIN and Capt. JACOB ZABRISKIE have reached St. Louis, and that preparations have been made to inter them with funeral honors at Jacksonville; and whereas, these events excite afresh the grief with which every heart was penetrated when the mournful intelligence of their fall on the bloody field of Buena Vista was first spread among us; and whereas, it is the custom of all civilized nations to honor their illustrious dead, and especially those who have gallantly fought and [who] gloriously fell in the service of their country; and whereas, it is deemed highly right and proper in itself, as well as promotive of the spirit which ought to animate a free people, that we should commemorate, if not by costly monuments, at least by a spontaneous expression of feeling, the heroic deeds and manly virtues of the deceased; it is, therefore, by this Convention,

Resolved, That we do cordially sympathize with the friends and families of the slain, who, by this awful visitation, have sustained a loss which all the honors of the world cannot deprive of its bitterness.

Resolved, That we sincerely mourn the loss of the State, in the death of HARDIN, ZABRISKIE, HOUGHTON, and others who have so largely contributed to the lustre of her arms and the glory of her name.

Resolved, That in the death of Col. HARDIN, we sincerely mourn the loss sustained by the State, in being deprived of a citizen who has deservedly acquired the affections of the people, and a states-

[33] This insertion is taken from the *Sangamo Journal*, July 15.

man, whose distinguished ability and integrity were justly admired by all.

Resolved, That this Convention, in honor of those who have so gloriously fallen in the service of their country, do adjourn so soon as information is received of the arrival of the remains of the deceased at Jacksonville, for the purpose of joining in the celebration of the funeral ceremonies of the lamented HARDIN and ZABRISKIE.

Mr. EDWARDS in presenting the above resolutions said:

The preamble and resolutions, which I have had the honor to submit for the consideration of the Convention, explain themselves. We are not called upon, by the tenor of these resolutions, to testify our high sense of the important services of the living heroes of the Mexican war, to tender to them our congratulations for the splendid victories achieved by their valor, or to cheer them onward in their brilliant career of glory and renown; but to render a mournful tribute to the memory of those gallant spirits who have fought and bled and died in their country's cause, to mingle our tears with those of their desolate friends, their stricken widows and their bereaved orphans. We are not allowed the pleasing task of weaving the crown of unfading laurel to invest the brows of the living TAYLOR, SCOTT, WOOL, BAKER, BISSELL, MORRISON, LEAVITT, POPE and a hundred others who have encircled, with a halo of glory, the American name; but to perform the sad office of entwining the cypress wreath in mournful remembrance of the dead HARDIN, ZABRISKIE and HOUGHTON.

As for myself, Mr. President, I find it vain to attempt to analyze my own feelings. I know not, indeed, what feeling, at this moment, predominates in my own bosom. But, this I do know, that when I would rejoice with the living, I am ready to weep for the dead—when I would sound the note of congratulation, it is hushed in the sadness of sorrowful condolence. And such, I doubt not, are the mingled emotions of this Convention. It is right, sir, that it should be so. It is right to contemplate the desolating havoc of war, blighting the rich fruits of peace and prosperity, spreading sorrow and dismay throughout the land, scathing the widow's heart, and withering the orphan's hope. It is right, too, to soften these manifold horrors of war, by the soothing

influence of sympathy, to dry up the tears of mourning friends, to mitigate the sorrows of the widowed wife and to light up the beam of hope in the languid eye of orphanage. And what so well calculated to dry up those tears, to alleviate those sorrows, and to enliven those hopes, as to point them to the noble bearing of the lamented dead—to the deathless fame that awaits them; that the husband, father, brother, friend is not dead, but lives enshrined in the hearts of his countrymen. Death, which comes to all, has come to them with a crown of imperishable honors. Their names are not only the theme of contemporary praise, but enrolled on the page of history, as a memento, to their latest posterity of their illustrious lineage. Where, sir, is the sting of such a death? To behold the gush of sympathy in the tearful eyes all around her, to hear the admiring accents, poured forth as the spontaneous tribute of both whig and democrat, to the memory of her honored husband. Is not all this a healing balm to the crushed spirit of the accomplished widow of the ever to be lamented HARDIN? May it prove an all-sufficient solace to her bleeding heart. HARDIN! A name ever to be remembered. The name of JOHN J. HARDIN will never, can never, be forgotten by him who now addresses you. Sir, I knew him well. He was my friend, personal and political, through good and through evil report. I knew him as the husband and the father amid the endearments of the family circle. I knew him as the light and life of the social party, diffusing a joyous hilarity through every bosom. I knew him as a neighbor, discharging all the kind offices of that relation in a spirit of courtesy, of generosity, of open-hearted hospitality. I knew him in the halls of legislation as the bold, manly, independent, consistent politician—alike beloved by his friends, and respected by his opponents; for enemies he had none. And we all know him as the ardent patriot, the gallant soldier—ever the first to advance, and the last to retreat; a soldier by right of inheritance, mingling in his veins the best blood of the Hardins and Logans, the bravest of the brave sons of Kentucky. His devotion to his country is written with his blood and sealed with his life.—

But, in mourning the loss of our beloved Hardin, shall we forget those choice spirits of Kentucky, McKee and Clay, worthy sons of noble sires—or that distinguished scion of revolutionary stock,

the chivalrous Lincoln—or the valiant Yell, who, at his country's call, forsook the halls of Congress, for the tented field: all of whom, mingling in the hottest of the fight, and, by their deeds of noble daring, shedding such a lustre upon the name and character of the nation—have, side by side with our Hardin, offered up their lives as a sacrifice upon the altar of their country.

And, Mr. President, as citizens of Illinois, knowing and appreciating their worth, shall we be said to disparage these great names by associating with them, in mournful remembrance the names of our fellow citizens, Zabriskie, Houghton, Fletcher, Robbins, Ferguson and others? Though moving in an humbler sphere, their hearts were warmed with a glow of patriotism as intense, and their hands were nerved by a spirit as dauntless. They fought as bravely, bled as freely, and died as gloriously. Honor to their memories, and the solace of our heart-felt sympathies to their mourning relatives.

But, sir, what could not be achieved by such officers, sustained by such soldiers as were under their command? It were invidious to discriminate where all have proved themselves so worthy. And yet, may I not as a Kentuckian, be pardoned for alluding to the gallant Kentucky regiment, led on by their brave and chivalrous commanders McKee and Clay? Does not the number of slain in this memorable action attest their indomitable courage? Have they not proved themselves true scions of the old stock who watered the plains of Raisin with [t]heir blood, and who boldly bared their bosoms to the murderous tomahawk and scalping knife, of the ruthless savage at Tippecanoe? Sir, the spirit which animated them in their death struggle for liberty, was breathed into them by the soul-stirring eloquence of McKee and Henry Clay, in the halls of Congress. And these, their noble hearted sons, and their brave companions in arms—fired by the same spirit and borne onward by the same impulse—have as freely watered with their blood, the field of Buena Vista, and have as deservedly won for themselves and for their native State, an imperishable fame.

And now, Mr. President, I ask not your indulgence, I crave not the pardon of this Convention, for placing side by side with this gallant Kentucky regiment the no less gallant 1st and 2nd

regiments of Illinois volunteers—nor for claiming for them as high honors and as imperishable renown. As nobly have they earned it—for they have poured out their blood as freely upon the same field. Their loss, too, equally attests their invincible courage and their devoted patriotism. Add to these, sir, the brilliant achievements of the 3d and 4th regiments at Cerro Gordo, led on successfully by the gallant Shields, and by the high-spirited, the chivalrous Baker, both favorite sons of Illinois—and is not the measure of our glory full to overflowing? Sir, proud as I may be of the name of Kentuckian, I feel this day no less proud of the name of Illinoian; and have chosen it as the State of my adoption, I ask for me and mine no higher privilege than that of living and dying an Illinoian. And to whom, sir, am I, and you, and all the members of this Convention, indebted for this just sentiment of State pride? To whom do we owe it that Illinois stands this day, foremost in the estimation of all the States of this glorious confederacy? To those very names whom we are called upon by the resolutions under consideration, to go in a body and convey to their last resting place on earth. And shall we hold back when a neighboring city, in a neighboring State, is pouring forth its thousands to pay the solemn tribute of their respect, when all, the high and the low, the rich and the poor, the aged and the young, the native and the foreigner, the men of all parties, trades and professions, are gathering in mournful procession around the bier, not of citizen soldiers of St. Louis or of Missouri, but of our own Hardin, Zabriskie, and Houghton? Sir, we ought not, we will not, we cannot, fail in meeting the invitation of the citizens of Jacksonville to unite with them in this last sad homage to the memory of our beloved Hardin, and his brave associates.

Mr. CAMPBELL, of Jo Daviess, presented the following resolution; which was unanimously adopted:

Resolved, That this Convention, in testimony of their deep sense of the loss the State has sustained, in the death of the lamented HARDIN, and other volunteers who have fallen in the service of their country, will wear crepe on the left arm for 30 days.

In offering the above resolution Mr. C. said, that after the eloquent remarks just made by the venerable and eloquent gentleman from Madison, which had sunk deep as the untimely sorrow

for the illustrious dead, in the heart of every delegate, he feared that what he could say would rather disturb than deepen the feeling.

We see, sir, that in other states, that in the patriotic city of St. Louis, that they think, and they have a right to think, the glory of the name of Hardin and his companions, belongs not alone to their own State, but that it sheds a halo round our national glory. On this question all party spirit is forgotten! All party asperities are lost sight of as we kneel in sympathy and patriotism and shed tears of sorrow upon the graves of those who have fallen in the cause of their country. This resolution is offered not in ostentation; the occasion requires it, patriotism demands it, and I sincerely hope the Convention will adopt it.

Mr. BROWN offered the following; which was unanimously adopted:

Resolved, That copies of the foregoing preamble and resolutions signed by the President and Secretary, be transmitted by the Secretary, to the families of the deceased.

Mr. KNOWLTON said, that from what had just taken place, and the deep feeling excited in every breast, he knew the Convention were unfit for business. Our thoughts now are not here, they are upon the battle field of Buena Vista and Cerro Gordo! And the Convention was not in a state of feeling to transact business, he, therefore, moved the Convention adjourn till 3 p. m. And the Convention adjourned till 3 p. m.

AFTERNOON

Mr. SINGLETON moved leave of absence for his colleague, Mr. BROCKMAN, for six days, on account of sickness n his family. Granted.

Mr. ARCHER moved the Convention go into committee of the whole; and the committee resumed the consideration of the report of the committee on the Legislative Department—Mr. WOODSON in the chair. The question pending was on the substitute offered by Mr. HARDING for the additional section proposed by Mr. THOMAS.

Mr. ARCHER said, he desired to say a few words on the question now before the committee, and would give his reasons

why he should vote against the substitute and the proposed section. He had some difficulty at first in arriving at the proper view of and in coming at the proper conclusion and construction of the proposition of the gentleman from Warren; and he yet felt some difficulty in doing so. The substitute proposed that, when a county had a fractional excess over one-fourth of the ratio, that that excess should be given to the county in the circuit having the largest white population. There seemed to him to be no sort of propriety in adding this excess to that county having the largest white population in the circuit, when that county might have enough without the fraction to entitle it to a representative. He thought the effect of the substitute would be to disfranchise a large portion of the people of the State, and could not give his consent to any proposition which would deprive any portion of the people of the right of representation, or tend to their disfranchisement. We may as well, if we deprive them of the right of being represented in the government, excuse them from paying any taxes or bearing any of the burdens of government. We are told that the principle contained in this provision, is not to have any effect upon the apportionment to be made at the present time. This argument made no difference with him. If the principle was wrong, it was no argument in its favor with him to say that its operation was to be kept for the future, that it was to be delayed. He understood that the gentleman from Sangamon supported this proposition; yet if not much mistaken he heard that gentleman a few days ago read a severe lecture to the gentleman from Jefferson, on account of his great distrust of Legislatures. A great change must have taken place since then in that gentleman's views. He made them a long speech, in favor of the legislative department of the government, which he said was the right arm of the people. And now he is in favor of taking away from the Legislature the power to apportion the State. He is in favor of binding it down by an arbitrary rule. He (Mr. A.) thought this matter should be left open for the Legislature, and not attempt to do too much, by entering into details. If we entered into details at all we should do so with great accuracy, but we were not familiar with the views of our constituents upon all these trifling matters and he thought it best that they should be left to the Legislature.

He alluded also to the probability that if this principle of apportionment were adopted, although it was said that it was not intended to operate on the present apportionment, that gentleman in order to preserve consistency, might endeavor to make this rule apply to the present apportionment.

Mr. POWERS could never recognize the justice of any rule which would deprive the people or any part of them of the right of representation. Population is generally admitted to be the only true basis of representation, and any rule going to deprive any part of the population of the privilege of being represented, was, in his opinion, wrong. He referred to the present state of things in relation to Highland and Adams counties, and said, that he did not believe that this rule, admitted by those who introduced it to be arbitrary and unfair, would be at all satisfactory to the people of Adams county. He had examined facts in respect to the operation of this rule, and had ascertained that there were twelve counties in the State that would have an average excess of two thousand white inhabitants, over the ratio; and the whole of this large excess would be entirely unrepresented; and this excess would be given to the smaller ones. They propose to give Adams county, with a population of 18,000, two representatives, and throw the large excess over the ratio into a small county adjoining with a population of 5,058, thereby giving the smaller county a sufficient number for a representative. Thus, instead of adding the small county to Adams and allowing them jointly three representatives, they give the excess to the small county and give her a representative. The effect is that a county with 19,000 inhabitants is entitled to two representatives; and the county with 5,058, a little over one-half the ratio, is entitled to one—making each vote in the small county equal to two in the larger. How gentlemen can reconcile the injustice of this principle with their sense of fairness and justice is more than he could comprehend.

Mr. BOND and Mr. PALMER of Macoupin followed in opposition to the substitute.

Mr. HARDING made some remarks in defence of his substitute and then withdrew it.

Mr. BOND moved to amend the proposed section by striking out the word "such" and insert the "nearest."

Mr. McCALLEN said, he was opposed to the whole plan. If any county was to have a member through charity, he thought it should be given to a small county in preference to a large one. Much had been said about principle, and long speeches had been made to prove that all our actions should be guided by principle alone; and he called on gentlemen to carry out the principle of a fair and equitable representation, by dividing the State into seventy-five election districts, without any reference to county lines, and thus have everyone represented, and avoid all fractions.

The question was then taken on Mr. BOND's amendment, and decided in the affirmative—yeas 71, nays 39.

Mr. McCALLEN offered an amendment, "that no district shall have more than one representative." Lost.

The question was then taken on the proposed section of Mr. THOMAS, and decided in the affirmative—yeas 76, nays 49.

SEC. 33. The State may, to meet casual deficits or failures in revenues, contract debts, but never to exceed in the aggregate fifty thousand dollars; and no debt for any other purpose, except to repel invasion, suppress insurrection, or defend the State in war, for payment of which the faith of the State shall be pledged, shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election.

Mr. ARCHER moved to amend by adding at the end of the section, "and the Legislature shall provide for the publication, for three months at least, of each law, before the time of the vote thereon." And the question being taken thereon, it was decided in the affirmative—yeas 95.

Mr. KENNER moved to strike out all before the word "unless," and insert "the State shall have no power to contract debts."

Mr. SIM offered as a substitute for the amendment—strike out all so as the section will read, ' the State shall have no power to borrow money, except to repel invasion, suppress insurrection, or defend the State in war, for payment of which the faith of the

State shall be pledged, unless the law authorizing the same, and setting forth the purposes for which the same is borrowed, shall, at a general election," &c. And the question being taken on submitting this for the amendment, it was decided in the affirmative.

Mr. EDWARDS moved as a substitute for the amendment to strike it all out and prefix to the section the following: "The expenditures of the government for any given period shall never exceed the amount of revenue authorized by law to be raised in such period, provided the State may," &c., and strike out the word "but" in section.

Mr. THOMAS moved to strike out the word "period" and insert "year." Lost. And the question being taken on the adoption of Mr. EDWARDS' substitute, it was, on the third count, carried—yeas 57, nays 54.

Mr. HAYES moved to strike out all of the section after the word "contracted." Lost.

Mr. SHARPE offered a long amendment, which we had not time to copy, and which was rejected.

Mr. SHUMWAY, POWERS and PETERS offered amendments, which were embodied in the follow[ing]—and added to the section: "And provision shall be made at the time of contracting the debt for the payment of the interest thereon, by revenue to be raised by tax, or otherwise, for that purpose."

Mr. HAYES moved to add to the amendment: "Provided that the law authorizing the debt to be contracted shall be submitted to the people, with the law levying the tax for the same."

Mr. HARVEY moved to add to the first amendment, "which law shall be irrepealable." Carried. And the amendment of Mr. HAYES was adopted; and the amendment as amended was also adopted.

Mr. SCATES moved to strike out "contract debts." Lost.

Mr. THORNTON moved to insert after "fifty thousand dollars," "and the moneys thus borrowed shall be applied to the purpose for which they were obtained, or to repay the debt thus made, and to no other purpose." Carried.

Mr. KENNER moved to strike out the words "against it,"

in 5th line, and insert "for members of the General Assemb[l]y;[”] which was adopted.

Mr. LOGAN moved the committee rise. Carried; and the chairman reported and asked leave for the committee to sit again. Granted.

And then, on motion, the Convention adjourned.

XXVII. FRIDAY, JULY 9, 1847

Prayer by the Rev. Mr. BERGEN.

Messrs. HAWLEY and SPENCER presented petitions praying the appointment of a State superintendant of schools; referred to the committee on Education.

The PRESIDENT laid before the Convention, a communication from the Governor, enclosing a statement of the public debt, which will appear in our next.

Mr. CASEY moved that 1,000 copies [be] printed. 2, 3, and 5,000 copies were suggested, and voted down; and the first number was adopted.

Mr. HOGUE moved the Convention resolve itself into committee of the whole. Carried, and Mr. WOODSON took the Chair.

Mr. SHARPE moved to take up the 31st section, which had been passed over informally the other day. Lost.

SECTION 34. No amendment.

SEC. 35. The Legislature shall provide by law that the fuel and stationery furnished for the use of the State; the copying, printing, and distributing the laws and journals of the General Assembly shall be let, by contract, to the lowest responsible bidder, and that no member of the General Assembly, or other officer of the State, be interested either directly or indirectly in any such contract.

Mr. THOMAS moved to insert "binding" after the word "printing." Carried.

Mr. CHURCHILL moved to insert "lights" after the word "fuel." Lost.

Mr. NORTHCOTT moved to amend by adding at the end of the section the words: "no private act shall be printed at the public expense." Yeas 77, nays 23. No quorum. A second vote resulted—yeas 57, nays 65. Rejected.

Mr. EDWARDS of Sangamon proposed the same amendment, with the following words added thereto—"unless by a vote of three-fourths of the General Assembly."

Mr. TURNBULL offered as a substitute—"no private act shall be published, except at the cost of the party for whose benefit it is passed." Lost.

And the question being taken on Mr. EDWARDS' amendment, it was decided in the negative.

Mr. DAWSON moved to insert "shall" after "State," in 4th line. Adopted.

Mr. BROWN moved to strike out "copying," in 2d line. Lost.

Mr. SCATES moved to insert after "journal"—"and all other printing ordered by." Carried.—Yeas 83.

Mr. BUTLER moved to strike out all of the 35th section.

Mr. CAMPBELL of Jo Daviess said, he thought the better way would be to leave this whole question open to the action of the Legislature, who could fix in the law, authorizing the printing, binding, &c., a statement of the prices to be paid for the work. He had some knowledge of this system of letting the work out to the lowest bidder, and knew from experience, that there would be no saving to the State. This matter of the binding had been let out by contract some time ago, to the lowest bidder, and what was the consequence? Why there were several binders in this city, yet there was but one bid, and the contract was given to them at prices but very little less than those before paid, and stated in the law. There was no competition, men could not come here from other places, and establish offices for the mere purpose of obtaining this State work; and he again stated his opinion was that the question should be left open for the Legislature.

Mr. LOGAN said, he did not agree with the gentleman last up, in his views of this question. He thought that if a "little" only was saved, it still was so much saved to the State by this means. He would point out to the gentleman, that in one case—the revised code—the contract for binding was let out to the lowest bidder, and the amount paid was only one-half the price that was fixed in the law.

Mr. CAMPBELL of Jo Daviess replied, that in the case cited by the gentleman, the contract was taken at prices so low that the man could not perform the work without a loss. For, after they had undertaken the work, and after the adjournment of the Legis-

lature, they had addressed a letter to the Secretary of State (Mr. C.) in which they state[d] the prices were too low; that officer explained to them that they had entered into a contract, and it was not in his power to annul it. If he was not much mistaken, the gentleman from Sangamon (Mr. LOGAN) introduced, at the next session of the Legislatu[r]e, a bill for the relief of these contractors, in consequence of their losses by this contract.

Mr. LOGAN explained, that the bill for relief had been introduced because there was a difference in the kind of binding done, from what had been contracted for. The relief was given. They also had petitioned for relief in consequence of the amount of binding done was not as great as was anticipated when the contract was taken, for this however they received no relief. He said this much in explanation of his course in the Legislature.

Mr. WEAD said, it was a matter of regret that we should have to hear explanations of the gentleman's legislative course so often; and it was also a source of much greater regret that it had not been published in a book, so that we should not be obliged to hear it at the expense of the people.

It had been shown by the gentleman from Jo D. that nothing could be saved in the end by this plan of having the binding and printing done, and he could see no objection to leaving the matter open to the Legislature, to be provided for by them. Gentlemen had opposed all restrictions on the Legislature, had declared that with this Convention had not been exhausted the wisdom of the State, and that we should go into details. But now, gentlemen say that the legislature shall have no power, no discretion in this matter, and that we must bind them down by the most strict lines and provisions? He was in favor, as he had before stated, of leaving the question with the Legislature.

Mr. EDWARDS of Sangamon said, that in order to meet the views of gentlemen and to carry out the suggestions of the gentleman from Jo D. he would offer the following proviso: "That the Legislature shall fix in the law a maximum price for such printing, binding &c."

Mr. BUTLER was in favor of striking the whole section out; it was a reflection upon the honesty and integrity of all future Legislatures. To say that they cannot make a contract about

the printing and binding the laws of the State, without wronging the State was a reflection upon the honor and integrity of the Legislature. He was not a little amused at the course of the gentleman from Sangamon, he was afraid a day or two ago that the Convention was doing too much, that it was legislating and leaving nothing for Legislatures to do hereafter. To-day he is in favor and desirous of binding them down by constitutional provisions upon this trifling matter.

Mr. DAVIS of Montgomery expressed himself in favor of the section as it is.

Mr. KNAPP of Jersey offered the following as a substitute: "Provided, the Legislature shall have the right to determine whether the lowest responsible bid, as contemplated in the section, shall be reasonable in its amount and as low as could be obtained by private contract." Lost. And the question being taken on the amendment of Mr. EDWARDS, it was carried—yeas 76, nays 43. The question was taken on striking out the section, and decided in the negative.

Mr. SHARPE moved to insert after "bidder," "so that said bidder is a resident of this State."—Lost.

Mr. SINGLETON moved to re-consider the vote by which an amendment offered by him on Wednesday last, to the 3d section, had been lost; and the committee refused to re-consider—yeas 54, nays 55.

The committee then took up the 31st section as it was amended; which had been laid over.

Mr. SHARPE offered the following as a substitute for the section as amended: "The Legislature shall not have power to provide by law for the sale of non-residents' lands for taxes, until judgment shall first be had against the same."

Messrs. SHARPE, WILLIAMS, DAVIS of Montgomery, and SCATES made some remarks thereon, after which a motion was made that the committee rise; which was decided in the negative—yeas 40, nays not counted.

Mr. ARCHER hoped the vote would not now be taken on this amendment, till the members had had sufficient reflection on the subject. He renewed the motion to rise—yeas 60, nays 61. Lost.

The question was taken on the amendment, and decided in the negative.

Mr. WILLIAMS moved to insert after the word "process," the words "or otherwise."

Mr. McCALLEN was not ready to vote upon the question now, and he renewed the motion that the committee rise.

Mr. PETERS thought we might vote now upon this section now and report it to the house, have it printed, and then members could have time to vote deliberately upon its adoption. The motion to rise was decided in the negative.

Mr. WILLIAMS' amendment was then adopted.

Mr. LOGAN moved to insert after "court," "in some usual and regular tribunal." Carried.

The section then stood as follows:

"The General Assembly shall have no power to pass any law whereby any person shall be deprived of his life, liberty, property, or franchises, without trial and judgment in court, or some usual and regular tribunal; provided, that nothing herein contained shall prevent the passage of any law for seizing and holding persons and property by *mesne* process or otherwise until such trial can be had; or for collecting taxes by distress and sale of personal property without judgment."

Mr. Z. CASEY moved the committee rise and report to the Convention their proceedings; and the chairman reported, the committee had had under consideration, &c., and reported the same back with various amendments, and asked the concurrence of the Convention therein.

Mr. THOMAS moved the report and amendments be laid on the table, and 200 copies printed. Carried.

And then, on motion, the Convention adjourned till 3 P. M.

AFTERNOON

Mr. LOCKWOOD moved the Convention resolve itself into committee of the whole; and the Convention resolved itself into committee—Mr. CRAIN in the chair—and took up the report of the committee on the Executive Department.

SEC. 1. No amendment.

SEC. 2. Mr. LOCKWOOD moved to amend by providing

that the next Governor shall commence his term on the 2d Monday in January, 1849, and the next in January, '53, and every four years thereafter, &c. Carried.

Mr. DALE moved to strike out "1853" and insert "1850." Lost.

SEC. 3. The Governor shall hold his office for the term of four years, and until another Governor shall be elected and qualified; but he shall not be eligible for more than four years in any term of eight years.

Mr. LOCKWOOD moved to amend by prefixing thereto the following:

"The first election of Governor shall be held on the first Monday in November, 1848, and the next election shall be held on the first Monday of November, 1852, and forever thereafter elections for Governor shall be held once in four years on the first Monday of November."

Mr. CROSS of Winnebago moved to strike out all after "qualified." Lost.

Mr. FARWELL opposed the amendment as it put the present Governor out of office before the expiration of his term. The question being taken the amendment was adopted.

Mr. EDWARDS of Sangamon moved to add to the section "nor any other officer till the expiration of the term." Carried.

SEC. 4. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of Governor; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been ten years a resident within this State.

Mr. PRATT moved to strike out the section and insert the following; which was lost:

"No person except a citizen of the United States, and who shall have been a resident of this State for the pe[riod] of five years next preceding his election, shall be eligible to the office of Governor; neither shall any person be eligible to that office who has not attained to the age of thirty years."

Mr. LEMON moved to strike out "thirty-five," and insert "forty-five." Lost.

Mr. SCATES moved to strike out the words "a natural born citizen,["] and "at the time of the adoption of this constitution."

Mr. HENDERSON was in favor of the amendment of the gentleman from Jefferson. He thought that the article as it stood now would exclude many individuals worthy the office, from being chosen by the people. There were several cases where the exclusion, contemplated by this section, would operate unjustly; one of these was in the case a person came here when a child, was raised here, with all the feelings and sentiments of an American, and he would be excluded from office. He saw no necessity for the restriction and hoped the amendment would be adopted.

Mr. CAMPBELL of Jo Daviess said that he rose, not for the purpose of making a speech, but merely to say that when this question would come before them properly for action, and when the ayes and noes could be called, then this section shall not pass without a contest. This section as reported by the committee is a "Native American" principle carried into effect. Why was the old constitution changed? Why was this new theory introduced. We had not been sent here to break down and destroy the old constitution, but simply to amend it in such provisions and particulars as the people desired to have changed. Where—when did the people ask for this restriction? Had any petition been sent to this Convention asking for a change in the constitution? Which of the States that had adopted new constitutions, had introduced this restriction upon the right of the people to choose who they may?

He was in favor of allowing all citizens the same privileges.

Mr. LOCKWOOD said, that the committee had been unanimous in their action upon this section, and he knew none of them to be called "Native Americans." For himself he would say that he had no prejudice against foreigners, and if the gentleman would look at the old constitution he will find that this section is more favorable to them than that.

By the constitution, no foreigner could be eligible to the office of Governor, until he had been thirty years a citizen of the United States.

Mr. NORTON said, he did not propose, at the present stage of this question, to enter into any argument upon it. He should vote for the amendment of the gentleman from Jefferson. He

should do so for the reason that he would make no distinction between American citizens whether native or naturalized. He desired to see no such distinction incorporated into our constitution. He would desire the people of this country to become in truth one people, and when foreigners leave their native lands, and have settled amongst us, he would hold out every honorable inducement to them, to become Americans in deed, by conforming to the naturalization laws of the United States, and, when they have done this, he would offer no obstruction to their advancement in the State. This is what is contemplated by the amendment, and he should therefore vote for it.

Mr. DAVIS of Montgomery said, he would vote for the report as it came from the committee, and would state his reasons for so doing. The gentleman from Jo Daviess said, that popular opinion was not in favor of this restriction upon foreigners holding the highest offices; now he did not know what popular opinion was in Jo Daviess, but he knew as well as Mr. C. what it was in Bond and Montgomery, and he was sure he was supporting the popular opinion of those counties, when he voted for this report. Gentlemen say that this is placing an unjust restriction upon the citizens of our country, why did those men of the revolution, those who signed the Declaration of Independence, and who framed the federal constitution, introduce this same provision into it, by prohibiting any but a native born citizen of the United States from being President? And who desired it to be stricken out? If to preserve that principle which should be incorporated into our State constitution, and he who desires it not to be stricken out is a "Native American," then I am "*Native American!*" He was in favor of giving to foreigners, against whom he was not prejudiced, all privileges of our citizens they can properly claim, but not to the exclusion of Americans; not to raise them above the heads of our own countrymen, into high and important offices, before they are sufficiently acquainted with our language to speak it plainly. They were told that when this question came before them at another time, that the ayes and noes would be called, if so, he would not be afraid to record his vote in favor of the report.

Mr. GEDDES said, the friendship expressed for our European friends who came to our State, reminded him of certain tribes of

Indians, who gave to their guests their wives and daughters to sleep with. Now, while he was ready and willing to give foreigners meat and drink, he was not disposed to give up his bed. He was willing that they should kneel at the same altar with him, but not to be his priest. He was willing they should live in the country but not to be his rulers.

Mr. PRATT stated that he had offered his amendment to effect the same object as proposed by the gentleman from Jefferson, in the amendment now before them, but as it had been voted down so quickly, he would like now to state his reasons for presenting it. He thought that any restriction like that contained in the section as reported, was a reflection upon the intelligence of the people—it doubted in them the capability of selecting their own rulers, it denied them the right of so doing when their choice fell upon one whose birth was in a different land. No matter what public service, what eminent talent; no matter how capable he might be to perform the duties of the office, he was excluded by this provision, and the people denied the privilege of elevating him. There were many cases where its effect would operate unjustly, and one had been cited by the gentleman from Will, (Mr. HENDERSON) of a child who might have been born in a foreign land, but who had been reared under our fostering institutions, and who had learned to love and revere them, and, no matter how eminent and distinguished he might become, was forever prohibited from holding the station of Governor of this State. He had no love for foreigners, but he had ever known them to make good citizens, men as devoted to the interests and welfare of the country as any others, and as well entitled to the confidence and respect of the Convention as any other class. The old constitution was a virtual prohibition of foreigners from holding the office of Governor. It provided that he should be a citizen of the United States for thirty years, which, supposing a foreigner came here at twenty-five years of age, then five years before he became a citizen, and it would make him sixty years of age before he was eligible to the office of Governor.—That was an age at which men seldom aspired to such an office, and they were, therefore, virtually prohibited. Now if this rule was to be changed at all, it should be because it was wrong, and if it was

wrong, why should it be presented in its present shape as a remedy? Another objection he had to the section was the proposed increase in the age of the person to fill the office. Thirty-five years was proposed. Why increase it from thirty, as it stood in the old constitution? Had any evils resulted from the age being fixed at that period? He referred the committee to the fact that when DeWitt Clinton, Daniel D. Tompkins, and Gov. Seward were chosen Governor of New York, neither had attained the age of 35. No one had ever complained of these men, or their administrations, because of their age.

After some further remarks on this subject, he returned to the subject of foreigners, and said that in the whole thirty States there were but three that had a provision in their constitutions like this reported by the committee; and neither of those States would he cite as an example for this State to follow in the formation of a government. Not one of the States which had lately formed a constitution had anything of the kind contained amongst their provisions. Iowa had not; Louisiana and Michigan had not; New York had not—her provision is in the very words of his amendment which had been voted down.

Mr. LOGAN said, that when in order he would offer an amendment changing the section so that fifteen years citizenship should be required before a foreigner shall be eligible to the office of Governor. He was sorry that so much feeling had been shown on this question, and also sorry that the Convention had been threatened with the yeas and nays on this question. He had no fears himself to have his vote recorded, and he did not think that any others were to be influenced by any such proceeding. He had no love for foreigners, nor was he prejudiced against them; he never regarded foreigners in the community as foreigners through fear, favor or affection. He was not disposed to proscribe them, while at the same time he was unwilling they should have privileges, which, in his opinion and in his conscience, he thought they were not entitled to. Foreigners are becoming a powerful body in this Union; in some States they have a great influence, being what is called the balance of power party, and it was no more than prudent to guard against danger from an increase of that power and influence.

As to the question of age, for Governor, he was not in favor of reducing the period below thirty-five years. An age when men generally arrived at that necessary judgment, capacity and experience, to enable them to discharge the duties of that high office with fidelity and satisfaction. They had fixed the time for voting at an age when it was presumed that a man's mind had become sufficiently matured to be entrusted with that privilege, and he thought a time should also be fixed at a period when a similar presumption would exist, that his mind had been formed, and his judgment and capacity so settled that there would be no danger in committing to his hands the guidance of the government. He knew that age did not give more energy to the mind, nor increase the brightness of the genius, but every day that a man approached thirty-five he was improving in steadiness, experience and judgment. It was said that young men had been selected for this office, and that there were young men in the State who could fill the office, he would not deny; but it is well known that boys have, for a long time, their wild oats to sow, and that, generally, they were more easily influenced by friends and advisers, and did not possess that stability which age and experience confers. Exceptions to this rule may be found, but generally such was the case. Thirty-five years was a low period to fix, and the young man who has the ability to discharge the duties of that office, will not be any less qualified when he arrives at that age.

A man may have a good mind, may shine in the Legislative hall, his genius may display itself with more brilliancy—and his fancy and imagination may be more exuberant than all others around him; but for the sober discharge of the important duties of the chief executive office of the State, more than these are required —he wants steadiness, calculation, experience and sound judgment. You might as well say that we restrict the right of suffrage, when we exclude an intelligent boy of eighteen from voting, as to complain of our excluding a man from the office of Governor until he has arrived at thirty-five. The same principle applies to both cases. And so with a foreigner. The man who comes here from a foreign land knows the policy of the government of England, of Ireland, and of other countries—and when he comes here, he has to receive a new education in the principles of government, for

what do they know of the experimental—practical policy of our government? Now, if it takes a man, as it is said the provision in the constitution of the United States presumes, five years to become sufficiently acquainted with our government and institutions, to be entrusted with the privilege of voting, is it unjust or unreasonable to require that he shall remain here fifteen years before he can be eligible to an office of so much importance as the executive of a State. Another thing. He thought the man who would be selected to fill this office, should have been here a sufficient length of time for the people to know him, to become acquainted with his principles, and his character; he might be a man of great power of speech, of great conversational powers, of great brilliancy of intellect, and the people should have time to see through all this, not by a casual view, but by a thorough examination into the foundation of his character. That time should be given for the first blush of a bright appearance to wear off, and then the people to say whether he was worthy of their confidence.

This, he thought could be accomplished by the amendment he would offer.

Mr. CAMPBELL of Jo Daviess said, he intended to enter into no argument upon this subject at the present time. He rose now, as he had done at first, to ask the committee, before they decide this question, before they commit themselves even upon the informal vote here, to pause and reflect, before they placed any restriction upon their future action, upon the consequences of this proposed change in the old constitution. He was in favor of abolishing the restriction of thirty-five years as a qualification of the office of governor, and in favor of abolishing all and every distinction, now, or at any time, existing between the elector and elected. These, sir, are restrictions upon the people, they are restrictions upon the right of the people to say who shall be their choice to perform the duties of this office.

He would say that any man at the age of twenty-one years, should have full power to do that himself which he is authorized to do by an agent. This restriction says he shall not. It says that a man can vote for a Governor and shall have the power to rule by another, at the age of twenty-one years; but it precludes him from doing so, and the people from choosing him to do the

same. It says to him you may govern the State by an agent, but you shall not govern it yourself.

He was in favor of destroying and eradicating from the constitution every restriction upon the free and untrammeled voice of the people in the choice of their rulers. But it is said that there is great danger of the people selecting a man for Governor, who is ignorant, a foreigner, and incompetent to perform the duties of the station. This is an un-worthy reflection upon the intelligence and capacity of the people. To say that they have not intelligence to select men capable and worthy and deserving of the office, is, he said, a reflection upon their powers of self-government. Why give them the right to vote at all, if it was feared they had not the capacity to select? It is unjust, too, to the naturalized citizen, to exclude him on account of his birth. Shall it be said in this day that a man who leaves his native land and the home of his youth—who renounces all allegiance to his own and all other foreign princes, potentates and powers— who comes here to live in a land of freedom—who offers himself, and is always ready, to die in the defence of our stars and stripes—shall we say that he shall not be entitled to enjoy all the rights and privileges of other citizens of our land? Mr. C. then alluded to the age required for the office of Governor, and opposed it as a restriction upon the voice of the people in the choice of their Governor. He advocated that no age should be required; but the matter left open to the people. He alluded to the great disparity of ages in the members of this Convention—to the old and the young—the impetuosity of youth rising in its might and struggling for the mastery, and the calm sobriety and venerable experience of age—blending together, and displaying the same great and correct principles he had been advocating when he proposed to open to all, of every age and birth, the rights and privileges of citizenship, and leaving the people unrestricted in their free choice.

Mr. BALLINGALL addressed the Convention in favor of the amendment; his remarks will probably appear hereafter.

Mr. HURLBUT said, that like some others who had spoken, he did not propose to enter into an argument upon this question, but merely to say a few words in reply to those who complained

of this section because it was a restriction upon the people. What is the restriction upon voters in Illinois? Is it not now a rule that no man shall vote till he is twenty-one years of age, and that is a restriction upon the right to vote, which he did not suppose gentlemen desired to abolish.

Mr. BALLINGALL said, that at common law the right to vote was a privilege secured to a citizen.

Mr. HURLBUT said, he would like to know if that was the common law of Illinois? He would like to know if foreigners were not now allowed to vote and enjoy all the rights of citizenship upon a mere twelve months' residence in the State?

A MEMBER. They are not allowed to sit on juries.

Mr. HURLBUT. I know they are not called upon to sit on juries; jury and militia duties are burdens upon citizens—voting is the privilege!—The right to vote is the greatest that can be conferred; it is that which makes a man feel that he is a man. In rising, he had another object, and that was, to say that a well known individual who represented his district in Congress, had called him a "Native American," or, at least, certain remarks made by him had been wholly misrepresented by some small petty representative of a very small man, and the charge was based thereon. He was sure that no one who had listened to his remarks had discovered in them anything of the kind represented, and he would say to the reporters—no, he would excuse the reporters; none of them had done it—he would say to the man, be he who he may, who panders to that small man, that he was at liberty to state anything he thought proper, which he (Mr. H.) had said; but that if he undertook to misrepresent, even as humble an individual as himself, he would find he had mistaken his man.

The question was then taken on the amendment proposed by Mr. SCATES, and decided as follows: yeas 74, nays 49.

Mr. LOGAN moved to add to the section, "and shall have been a citizen of the United States for fifteen years.["]

Mr. DAVIS of Montgomery said that he hoped the amendment just proposed by the member from Sangamon would pass. He would like to have this question settled now. Why was there so much fear expressed of, and so many warnings against, the committee committing themselves by a vote on this question?

Why are not the members as well prepared to vote and act now upon the subject as at any other time? He would always vote against anything allowing a foreigner to become Governor of Illinois, of being appointed a judge of a court, or of holding any other important post, after having been only five years in the country. He was not, as he said before, prejudiced against foreigners, but he would always oppose the system pursued by some, of running to them the moment they reach our land, and telling them, "oh, you understand our laws, you understand our governmen[t], you understand our policy, and you know as much about our institutions as anybody else, and you must have a vote." Sir, they know nothing about our institutions; they are familiar with the political government of the land where they spent their school-boy days; their minds are stored with recollections and views of policy imbibed in foreign lands, and they, when they come here, have no true conception of the character of our institutions. How can they form an idea of our system of government? They have not read our books, they have no knowledge of our customs or laws, and in many cases are ignorant of our language.

We are a progressing people, and our country is fast filling up. Now is the time to apply these wholesome restrictions, which will prevent citizens—born and reared on the soil—from being excluded by foreigners from the enjoyment of these high offices. Shall we say that those who framed the constitution of the United States were wrong in imposing a restriction in that instrument excluding foreigners from holding the two chief offices of the national government? Sir, this Convention has this day, by the vote just taken, and by a large majority, said this restriction imposed in the constitution by the fathers of the country was wrong—all wrong. He had no fears of expressing his sentiments. He spoke what he believed to be true and correct. He would read to the Convention the opinion of Washington on this subject, and upon those views he would make no comments, for he believed the die was cast; that the question was settled, and he would not be surprised if the time was reduced to five years. He then read a letter written by Gen. Washington to a Mr. Morris during the war, in relation to foreigners, and one from Mr. Jefferson on the same subject.

He was willing to admit that the circumstances under which

those letters were written were different from our present. He was not a "Native American," but he would say to the Convention that the want of such restrictions as is contained in that section now upon the table, had been the cause of such a party in our country. Foreigners came to our land and remained in our large cities; they were seized upon by both parties—whig and democrat—and for the purpose of forwarding the interests of their respective parties, were put into high and important offices, to the exclusion of free American citizens, and whose every feeling was for their country;—this had driven the people in those cities to unite in these associations, formed to protect themselves and countrymen from the encroachments of the foreigners. He had no personal hostility to any foreigners, but he had seen instances of their being elevated over the heads of competent Americans and appointed to judgeships, and one of these was in his own county. He alluded to Judge KOERNER—who was the judge in his circuit, who was a foreigner, and he alluded to him, not out of any want of respect, for he was a gentleman, a sound lawyer, and an honorable man, but he was unable to charge a jury understandingly, because his language was so broken and difficult to be understood.

Mr. BUTLER thought this was a restriction upon the people. Gentlemen would liken it to a restriction upon the Legislature, but it was very different. The restriction contained in this amendment was upon the people themselves, and questioned their capability of judging who should have the offices to be received at their hands. We might as well say that we should declare in this constitution all the qualifications the Governor should possess, and we should say whether he must have received a common school, an academical, or a collegiate education; whether he should have a classical education or not; whether he shall be acquainted with Latin or Greek. This rule, sir, would not be more arbitrary than that proposed by the gentleman from Sangamon. He thought that we should place no restrictions in the constitution, but leave the matter with the people.

Mr. GREEN of Tazewell followed in support of the amendment. He thought that the restriction of fifteen years upon a foreigner was not more oppressive than that placed upon native

born citizens, who had to be in the country twenty-one years before they could vote.

Mr. PALMER of Marshall advocated the amendment at much length; he took similar views as those presented by those who had preceded him.

Mr. GEDDES repeated the views expressed by him earlier in the debate.

Mr. ARCHER was opposed to the amendment proposed by the gentleman from Sangamon. He took the same view of it as others who had declared it to be a restriction upon the elective franchise of the people. He had no sort of doubt of the capability of the people to exercise that right, and was opposed to any provision restricting it, in the least particular, as he believed it would be safe in their hands, and that the better course for the Convention would be to leave the matter entirely with them.

He had no great love for foreigners. He was an American by birth, but he had always been proud to believe that the institutions of his country afforded a home for the opressed of all lands without distinction. He thought that the land of a man's birth was not the test of his right to the privilege of citizenship, but that merit was the true test to be applied to him. He had no desire to dwell upon the acts of foreigners who had taken an active part in our revolution, nor of the many who had rendered such valuable service, but he would say that he had never heard of an adopted citizen betraying his country, or of any act unworthy of a citizen. He did not desire that offices should be open to them as soon as they arrive in this country, but when they had renounced their allegiance to other powers, and had remained here for the term of five years, and complied with all the requirements which Congress, in their wisdom, had provided as necessary for them to become citizens, he desired then to see them become citizens with all the rights and privileges of citizenship without any restrictions or distinctions. It had been said that they came to this country with recollections of their native land fresh in their mind, and that their views and sentiments are influenced by associations of what they had experienced there. He thought this was true in one sense. They do come here with a vivid recollection of the land where they have been oppressed, and minds well calculated to

appreciate the freedom of our laws and the beauty of our institutions, because of the associations of government and tyranny they have experienced at home. The amendment would establish that the land of a man's birth, not the man, should be the test by which he should be judged. It had well been said, that a man who had just arrived here, unknown to the people, ignorant or unqualified, would not be selected by the people for the office of Governor. Public jealousy, distrust of strangers, will always excite a scrutiny into the character of any man offering himself for that office, and no danger need be felt that they would select such a person for that important office.

Mr. PALMER of Macoupin advocated the adoption of the amendment. He was opposed to the section as it first was reported; but thought that the restriction of fifteen years upon a foreigner before he could hold the office of Governor was not too great. He thought those who denounced all restrictions upon the right to vote and hold office had gone too far. There were restrictions upon the ladies, precluding them from the enjoyment of these rights, and he did not think it was proposed by any to remove them. He thought that the period of five years fixed in the constitution, as the time for a foreigner to reside in this country, had been fixed as a period in which he might become acquainted with our language; and did not believe that fifteen years was too long a term for him to acquire a knowledge of the complicated machinery of our system of government. He thought that the privilege of living under the government of the United States, and enjoying the rights and privileges of a citizen of a free republic, should be sufficient for any foreigner, without the right to hold office.[34]

[34] The following correction was printed in the weekly *Register*, July 30:

SPRINGFIELD, July 27, 1847.

"*Editors of the Register:*

In the report in your paper of the 13th inst. of my remarks upon the amendment offered by Mr. LOGAN to the report of the committee on the Executive Department, by which fifteen years' citizenship is required to render a foreigner eligible to the office of Governor, I am made to say in the report, that 'the privilege of living under the government of the United States, and of enjoying the rights of a citizen of a free republic, should be sufficient for any foreigner, without the right to hold office.'

The report is incorrect. My language on that occasion was: 'Even without the privilege of holding office, foreigners gain immensely by their immigration to this country. Here they live under free and equal laws, may easily acquire an interest in the soil, and can participate in the power belonging

We have given the above positions of Mr. P., as they are somewhat different from those advanced on the same side, and must offer as an apology for this brief allusion to his remarks, the crowded state of our columns.

[Mr. TURNBULL said that the gentlemen who were opposed to the amendment of the gentleman from Sangamon, (LOGAN) from their remarks appear to be in favor of making foreigners eligible to the office of Governor as soon as they are entitled to a vote, while they are for preventing the people from electing a native-born citizen until he has exercised the right of voting for fourteen years to that high office. I ask gentlemen, who are opposed to the amendment, how they will answer to the people of this State, or to the world, for requiring fourteen years of a native born citizen—one who has imbibed the first principles of freedom and republicanism from his mother, after he is entitled to a vote before he is eligible for the office of Governor—and make the foreigner eligible for that high office as soon as he is entitled to a vote? Mr. President, I shall vote for the amendment of the gentleman from Sangamon, which requires fifteen years residence in the United States after he is entitled to a vote, before the foreigner is eligible for the office of Governor.][35]

Mr. PRATT resumed the subject and spoke at much length against the amendment and against the restriction upon the selection of a young man for the office.

Mr. CAMPBELL of Jo Daviess moved the committee rise.

And the committee rose, reported progress, and asked leave to sit again. Granted.

And then, on motion, the Convention adjourned.

in monarchies to kings—a voice in the government of a great people; and when to this is superadded the fact that, by waiting for a reasonable term until they can acquire a knowledge of the construction of our complicated system of government, they may then aspire to the highest offices in the gift of the people. It seems to me that this amendment should satisfy them; and under this view, I shall vote; and by such of my constituents as are foreigners, I am willing to be judged.'

Yours, &c.,
JOHN M. PALMER."

[35] Turnbull's remarks are taken from the *Sangamo Journal*, July 15.

XXVIII. SATURDAY, JULY 10, 1847

Prayer by the Rev. Mr. HALE.

The Convention resolved itself into committee of the whole—Mr. CRAIN in the chair, and resumed the consideration of the report of the committee on the Executive Department.

The question pending was on the amendment of Mr. LOGAN, which was modified by him to read "fourteen" instead of "fifteen" years, and being take[n] was decided in the affirmative.

Mr. MARKLEY gave notice of a motion to reconsider the vote.

SEC. 5. The Governor shall, at stated times, receive for his services the sum of twelve hundred and fifty dollars per annum; which shall neither be increased nor diminished (during the period for which he shall have been elected;) and he shall not receive, within that period, any other emolument from the United States or any of them.

Mr. SHUMWAY moved to strike out "$1,250" and insert "$1,000."

Mr. CROSS of Winnebago moved to amend the amendment by striking out "$1,000" and inserting—two dollars a day for the first forty-two days, and one dollar a day, for each days actual service thereafter; which amendment was carried; and the question being taken on the amendment as amended it was decided in the negative.

Mr. KNAPP of Jersey offered the following as a substitute for the section:

"That the Governor shall receive the sum of fifteen hundred dollars per annum, for his services as Governor, and which sum shall not be increased nor diminished."

Mr. DALE moved, as an amendment to the amendment, to strike out "fifteen hundred dollars," and insert "one thousand."

In presenting the amendment Mr. D. said, that it behooved us, in view of the present pecuniary embarrassments of the State, to study economy—to introduce it into every department of government—and to act with an eye to it, in all our proceedings.

The people have clamored loudly, and with justice, against the heavy expenses of government; and gentlemen, here, would bear him out in the assertion, that, whilst we had a soil which yielded its fruits with less of labor and toil of man than did the same amount of territory anywhere else; whils[t], too, our harvests were, generally, very abundant, and our farms daily improving and presenting new beauties to the eye, yet, that the citizen, the tiller of the soil, did not exhibit that cheerfulness and contentment which these outward appearances would seem to indicate and to justify. The citizen was not entirely satisfied with the administration of his government—he complained that it was an expensive one—that notwithstanding a heavy debt hung over the State which was not, in any material degree, being reduced, yet that the taxes of his labor increased and were increasing on him from year to year—he believed and held that a frugal people, who were chiefly agriculturists, and whose wealth was dug, by the labor of their hands, from the earth, should have an efficient government but a frugal and economical one. To effect reforms which should insure such a government, was a consideration with the people in calling this Convention. In curtailing expenses he was pleased to say that thus far our action had come up to the views and expectations of the people. The expenses of a State census is to be saved by adopting the census taken by the U. S. government; elections are designed to be held in November and thus the necessity for two elections in a year avoided; the legislative session is limited and the pay of members is reduced and thus this heavy item in former appropriations, will henceforward be comparatively, a light one. Let the same reform be carried into every department —our circumstances call for rigid economy—the credit of the State demands it.

If, then, the experience of other States has shown that the office of Governor can be filled consistently with the public interest—can be well filled—at an expense less than that proposed by the resolution, the people will hold us answerable if we do not profit by that experience.

The State of Ohio, with a population double that of this State, allows to her Governor a salary of one thousand dollars; New Hampshire the same amount; Vermont seven hundred and fifty

dollars; Rhode Island four hundred dollars. If, in these States, where wealth and luxuriance abound, and some of which are free of debt, these sums are considered compensation, might they not well be considered such in this agricultural State—this State of simple manners and frugal habits?

He was disposed to allow the holders of the office of honor little more than a plain citizen required for the support of himself and family. The amendment, however, offered by him proposed an allowance equal to that reported by the committee as a salary for the Auditor. This ought to be sufficient. For a house is provided by the State for the Governor—none for the Auditor—the office of Auditor, too, is one of more labor and less honor. The argument that the Governor must have his levees and give his dinners might be a consideration to be entertained if the State were differently circumstanced, but should not while she continues in her present embarrassed condition. These things are not absolutely necessary, and if agreeable to the feelings of the Governor or any citizen let them be done at their private expense, not at the expense of the public.

Under these reductions of salaries and other expenses, the condition of the treasury would improve. Auditor's warrants would no longer be discounted and shaved and hawked about in search of buyers—jobs to be done for the State would not longer be contracted for at the present ruinous rates to which the State is forced, by reason of her paying in miserably depreciated warrants of the Auditor. These moderate salaries too will make it the object and the interest of officers and legislators to give an eye to the finances of the State and provide against any depreciation of her paper in the future.

But a great gain to the State from this reduction in the salaries of officers and pay of members of the Legislature will be in this, that the compensation allowed to them will form a standard of value, and that, in all contracts made by them in behalf of the State with agents, commissioners &c., the sums agreed to be paid for services will be regulated by this standard—the compensation which members and officers themselves receive. Countenance extravagance in them, by giving them large salaries and this extravagance will characterize all their appropriations and all

contracts made by them for the State. Make, however, the pay of members of the Legislature such as has, here, been voted for them, and the salary of Governor such as proposed by the amendment, and there will be an end to these extravagant expenditures of which our books are so full—an end to the exorbitant pay of former years, such, for instance as has been given to agents to select lands given to the State by the General Government, to agents to protect canal lands &c., there will be an end to this eternal speculation on the State.

Mr. THOMPSON opposed the reduction.

Mr. WEAD said, his vote upon the sum to be allowed the Governor would depend entirely upon the duties which would be assigned him in this constitution; and he would, also, like to know whether it was intended that the Governor should reside at the seat of government—which in his opinion was an important consideration. The present Governor is, also, fund commissioner, and before he could vote to fix the salary of the office, he would like those questions to be answered. Fifteen hundred dollars a year was not too much for the office, if the Governor was compelled to reside here. If allowed to remain at his home, so large a salary was not needed. In the eastern States, in Massachusetts, New Hampshire—certainly in Vermont, the Governor was not required to reside at the seat of government, and that accounted for the small salaries allowed them. The Governor who is compelled to reside at the seat of government was, in a great measure, obliged to keep an open house, for members of the Legislature, to receive strangers, and was to some extent the official organ of the State. He would be obliged to neglect his own business at home, and devote himself entirely to public business, while if at home, he could attend to his ordinary business without any pecuniary loss. He could see no necessity for our providing that the Governor should reside here, and thought that by attending here occasionally, at the time of the meeting of the General Assembly, that the duties of the office could be administered as well. He would vote for the $1,500.

Mr. ARCHER was in favor of allowing a good salary to the Governor and having him reside at the seat of government.

Mr. LOGAN was like the gentleman from Fulton, unable to

vote upon this question until he knew what duties the Governor would be required to perform. He was in favor of the fifteen hundred a year.

Mr. PALMER of Marshall was in favor of the sum reported by the committee—say twelve hundred and fifty dollars a year, and thought that quite sufficient. He alluded to the State of Indiana where he had resided a number of years, and where the salaries of the Governor and the judges were very low.

Mr. BOND was in favor of the one thousand dollars a year.

The question being on Mr. DALE's amendment to strike out $1,500 and insert one thousand, the question was divided; and being taken on striking out was decided in the affirmative—yeas 86, nays not counted; and then being taken on inserting, was decided in the negative—yeas 44, nays not counted.

Mr. CAMPBELL of Jo Daviess offered the following as a substitute for the amendment of Mr. KNAPP, to strike out the original section and insert—"the Governor shall reside at the seat of government, and receive at stated times, as a salary for his services, the sum of two thousand dollars per annum, which shall not be increased nor diminished; and shall be ex officio fund commissioner."

In offering the above, he explained the many duties which the Governor would be obliged to perform. He was obliged to be at the seat of government, as duties required the actual presence of the Governor every day. Requisitions from other States for persons charged with crime, were coming here, and the Governor and he alone was obliged to act upon it; for they required his personal action upon them. He was to decide upon their legality and could not delegate the power to do so to any other individual. They were cases requiring the exercise of his own judgment, and unless he were here to attend to them, the parties would have to hunt him up in all parts of the State, and the end of justice would be defeated by the escape of the accused. The same would apply to petitions for pardons, requiring an exercise of power, judgment and discretion which could not be delegated to any other person.

He alluded to the fact that no man of any ability could be selected to fill the office at one thousand dollars a year, and it was not to be expected that the Governor was to live in a style beneath

the dignity of the post, and in a way that he otherwise would not. Something must be allowed for the refinements of mind: something must be allowed to the accomplishments of thought, for they constitute the only aristocracy in the land, and they ought to be encouraged. He said, that a man chosen to be Governor of the State, would occupy a post where such things would be looked for, and there should be an allowance for something more than for the level of society. True these accomplishments of the mind, the aristocracy of intellect, were open to all, and should deserve our encouragement, but are we to erect toll gates upon the road to preferment through which they were to go? It should be recollected that a man gave up all other business to attend to the office of Governor—and had he a family, had children to educate—how could it be done with such a pittance? He had a right to educate his children and it should be every delegate's ambition to place it in the power of every man to give his children an education equal to their standing. He (Mr. C.) had lived here at $1,000 for four years—that is he did'nt live at all. He had $1,000 for two years, and then was cut down to $800, and he could speak from experience that the salary was not sufficient to afford a man a living. He had remained here four years in office, and went home poorer than when he came; he went home and found himself out of business, his clients all gone, other lawyers had taken them, and he found himself like [a] young man just starting in the world; and now was forced to commence anew, to go to work at his profession to support himself and family. Mr. C. followed the subject much further and concluded by remarking, that if they allowed picayune salaries they must expect picayune officers —if dollar salaries dollar officers.

Mr. DAVIS of Montgomery replied, and in the course of his remarks, reminded the committee that at the last session of the Legislature there were a number of candidates hanging round the Legislature for a vacant judgeship, and the salaries were then but $1,000; and no sooner were they elected, than they crowded the lobbies and commenced begging the Legislature to increase their salaries, saying they could not live on one thousand—that they had families to support and children to educate. Nothing of this, however, was heard when they were candidates; they were willing

then to have the office at one thousand a year. He opposed any sum over that proposed by the committee, and would vote for that all through.

Mr. LOGAN advocated an increase to fifteen hundred dollars, as nothing more than a fair and reasonable compensation. He thought the effect of reducing the salary to one thousand, would be to give the office entirely to men who were rich, and who could afford to live even without the salary. He found it difficult even for him to live here on one thousand a year. He said that when the salary was at one thousand, they had Gov. DUNCAN, one of the wealthiest men in the State; Gov. REYNOLDS another, Gov. EDWARDS and Gov. COLES, both rich men, and all of whom could afford to live as Governor of the State without reference at all to the salary. He alluded to the difficulties attending the administration of affairs, if the Governor resided elsewhere than at the seat of government, and thought the proposed saving, by allowing him to reside at home, would be of more expense to the people having business to transact with him, and which required his attendance, would be more than the proposed increase. He thought it was poor economy; it was spoiling a knife worth twenty-five cents to skin a flint not worth a farthing.

Mr. GREEN of Taz[e]well said, that when the section had been proposed he thought it perfectly proper; then came the amendments, and he had watched to see who were in favor of amending; then he had endeavored to satisfy himself as to the motives inducing them to propose the amendments. And although it was not proper at all times to allude to motives of gentlemen, he hoped he would be pardoned in stating what had been his impressions. He had looked around at those who had proposed the increase, and had come to the conclusion that they all had a sly notion that at some time or another, they would be called upon to occupy the office, the salary of which we were now about to fix. This was more evident to his mind, from the fact, that his friend from Sangamon and his friend from Clinton, whose chances were very desperate and the probability very slight, proposed only the moderate increase of two hundred and fifty dollars; but the gentleman from Jo Daviess, whose chances were fair, who was on the right side, and who had the start of his competitors, had stopped

at nothing short of two thousand dollars. Now, he was very willing to oblige these gentlemen, but he felt he owed a duty to the State, which was much embarrassed and in debt, and he could not vote to increase the salary, particularly as he felt sure, from the patriotism of the gentlemen, that when the State could not get along without them, that they would generally give her their services at one thousand per annum.

Mr. HOGUE moved the committee rise, &c., which motion was carried, and the chairman reported and asked leave to sit again. Granted.

Mr. SCATES suggested to the members the propriety of remaining in the hall after the adjournment, to make arrangements about attending the funeral of Col. Hardin; and as the committees desired to have a meeting that afternoon, he moved the Convention adjourn till Monday at 9 A. M.

Carried.

XXIX. MONDAY, JULY 12, 1847

Prayer by the Rev. Mr. PALMER of Marshall.

Mr. LOCKWOOD presented certain propositions in relation to the redemption of land sold for taxes, which he said he would call up at some other time.

Mr. HURLBUT moved that it be laid on the table, and 200 copies be ordered to be printed. Ordered.

Mr. SCATES, from the committee on the Judiciary made a report.

Mr. MARKLEY moved that 200 copies be printed. Ordered.

Mr. SCATES, from the same committee, reported back sundry resolutions, and asked to be discharged from the further consideration thereof. Granted.

Mr. DAVIS of Massac presented a report of the minority of the Judiciary committee. Two hundred copies ordered to be printed.

Mr. CAMPBELL of Jo Daviess moved a call of the Convention, and 124 members answered to their names; and then further proceedings were dispensed with.

Leave of absence was granted to Messrs. KREIDER, SHARPE, MORRIS and MILLER.

Mr. HURLBUT, from the Judiciary committee, reported certain additional sections to be added to those reported by the committee on the Judiciary.

Mr. ROUNTREE offered a substitute.

Mr. SCATES moved they be laid on the table, and 200 copies of each be printed. Carried.

Mr. DAWSON offered a resolution that a majority of the Convention shall constitute a quorum to do business, till the 20th, and that hereafter that no member shall have leave of absence, unless on account of sickness.

Mr. SCATES moved that the Convention resolve itself into committee of the whole. Carried, and Mr. CRAIN took the Chair.

The committee resumed the consideration of the report of the

Executive committee. The question pending was on the substitute for Section 5, offered by Mr. CAMPBELL of Jo Daviess.

Mr. LOCKWOOD made a few remarks in favor of the Governor being required to remain at the seat of Government during his term of office.

Mr. CAMPBELL of Jo Daviess pointed out the vast difference in effect between the reduction of the pay of the members of the Legislature and that of the Governor. In the former case, they were called here in the winter season, when farmers could lose no crop, when lawyers could attend the supreme court at the same time, and when, from the shortness of the session, no person's business would be injured or neglected; while the Governor was obliged to sell out his furniture at home; give up all his business,—if a farmer, rent his farm—if a lawyer, lose all his clients, and be here four years, entirely cut off from any other business. He thought the reduction of the salary to $1,000 would have the effect of excluding all poor men from the office, and secure it to the rich; that the State would be deprived of the talents which poverty possesses, and have rich men for Governors though they were stupid and incompetent.

Mr. PINCKNEY thought that $2,000 was extravagant, and would vote for $1,500 a year as the salary of the Governor.

Mr. McCALLEN thought the discussion upon the salary was premature. He would like to know what duties were to be required of the officer, and whether he would be required to reside here, before he could vote upon the amount of his salary. If the office was to be a mere nominal one, one of empty title only, $500 would be sufficient, but if required to reside here, and give up all his other business, and devote himself to the duties of his office, $2,000 was nothing more than a fair remuneration. He was of opinion that the effect of allowing but a small salary would be to deprive every poor man in the State of the privilege of holding the office, and to raise up an aristocracy of wealth which it was our policy to oppose.

Mr. PALMER of Marshall advocated the amount proposed by the committee—$1,250.

Mr. CAMPBELL of Jo Daviess modified his substitute by leaving the amount of salary blank; and it was then adopted.

Mr. WEST supported $1,500 as a proper sum.

Mr. CAMPBELL of Jo Daviess said, that at the suggestion of his friend from Madison he would move to fill the blank with $1,500.

Mr. SCATES opposed the amendment as an unnecessary extravagance, in the present circumstances of the State; and was of opinion that the proper inquiry was, what sum was necessary to enable a man to live comfortably and well, and not what was required to enable him to live extravagantly.—The State should allow her Governor a sum sufficient to support him while in office, and no more; he did not think he should be paid for his services. He had made inquiries, and was informed that his friend from Sangamon, (Mr. EDWARDS) who, as everyone was aware, lived well, gave the most elegant and sumptuous entertainments, and whose house was always open to the members of the Legislature and strangers, had said that his expenses did not exceed $1,200 a year. Upon this sum, said Mr. S., I think the Governor may live comfortably and well, and I do not think that any one who may hold the office will desire to exceed in comfort and hospitality the gentleman from Sangamon.

Mr. THOMAS moved to fill the blank with "two thousand dollars;" and, on a division, the motion was lost.

Mr. CAMPBELL of Jo Daviess said, that he would like to ask the gentleman from Jefferson, if he, when he was receiving fifteen hundred dollars a year as judge of the Supreme Court, succeeded in laying up a large sum of money? Did he complain that that pay was too large, too extravagant? If there were any such complaints made, he (Mr. C.) never heard of them; but he had, when the salary was at one thousand, heard them declare from their seats that it was impossible for them to live at that pay and support their families.

Mr. DAVIS of Montgomery replied, that the judges were obliged to be absent from their families for nine months in the year; that they were obliged to pay tavern bills, when board was at one dollar to one dollar and fifty cents a day, and that their expenses were such that one thousand dollars was not sufficient.

Mr. EDWARDS of Sangamon said, that he was sorry his name had been introduced, as the remark had been made by him with-

out any intention to have it bear upon the question. He would say, however, that he could live on the sum stated, but then he was at home, his house was furnished, and he would not be obliged to break up his household and furnish a new one, as would be the case of a Governor who came here from another part of the State. As to the hospitality which the Governor would be obliged to show, and the open house for strangers and members of the Legislature, he did not think this should have any weight upon the question. Past experience, and he made the remark in no spirit of unkindness or of personal application, had clearly satisfied him that it could be dispensed with. Not one of the State officers who had resided here for years past, with the exception of Mr. Walters, ever had shown any hospitality to strangers or members of the Legislature, or had kept an open house, such as spoken of by gentlemen. Moreover, he was informed that the present Governor rents out the house provided for him by the State, and has the amount of the rent deducted from his board. He thought the sum proposed by the committee sufficient.

Mr. CAMPBELL of Jo Daviess said, that the reason he gave no parties, nor kept an open house while he was a State officer, was that the State did not allow him enough to do so with.

Mr. EDWARDS said, he did not refer to the gentleman; his well known spirit of hospitality and friendship satisfied all that it was not his fault, if he was not generous.

The question was taken on the motion to insert $1,000, and result yeas 55, nays 62. Some misunderstanding having existed in relation to the vote, a recount was had, and resulted yeas 53, nays 63, and the motion was lost.

Mr. McCALLEN moved to amend by inserting, "the office of Governor shall be let to the lowest responsible bidder."

Mr. GEDDES moved to fill the blank with $1,250.

Mr. NORTON proposed $1,400.

Mr. KNOWLTON proposed $1,450, and the question being taken on the $1,400, it was decided in the negative—yeas 38, nays 71. The question was taken on $1,450, and resulted yeas 28, nays 70; no quorum. A motion was made that the committee rise, and decided in the negative—and then the amendment was lost. The question was taken on inserting $1,250, and resulted,

yeas 83, nays 22; no quorum. And then, on motion, the committee rose, and asked leave to sit again. Granted.

On motion the Convention adjourned till 3 P. M.

AFTERNOON

Mr. SHUMWAY moved a call of the Convention, and the Convention was called, and 99 members answered to their names; after some delay a quorum appeared.

Mr. LOCKWOOD moved to take up the resolution which had been laid on the table in the morning, providing that a majority shall constitute a quorum—yeas 41, nays 40, no quorum. A second vote was taken, yeas 56, nays 49; no quorum. The yeas and nays were ordered, and the question was decided in the negative—yeas 41, nays 71.

Mr. CAMPBELL of Jo Daviess moved the Convention adjourn. Lost.

Mr. AIKEN offered the following:

WHEREAS, Mr. HALE, in a sermon on the 11th day of July, in the 2d Presbyterian Church, denounced the existing war with Mexico, as being unjust; and whereas, such declarations ought not to be tolerated, more especially in a republican government; and whereas, it is unbecoming in a Minister of the Gospel, to use such language in [a] Gospel sermon, or before the young and rising generation, therefore;

Resolved, That said Mr. Hale be excused from holding prayers in this Convention for the future.

Mr. CROSS of Winnebago moved to lay it on the table. Yeas 71, nays 23: no quorum. The yeas and nays were ordered and resulted—yeas 82, nays 36.

Mr. LOCKWOOD offered a resolution that a majority of the Convention shall be a quorum to do business till the 20th inst. Yeas 45; nays not counted. Lost.

Mr. CAMPBELL of Jo Daviess moved that the Rev. Mr. Hale be excused from praying in this Convention for the future. Mr. C. said that so far as Mr. Hale was personally concerned he felt kindly toward him, but he objected to any man speaking of those who had gone forth to fight the battles of their country as a moral pest to society.

Mr. TURNBULL asked if Mr. C. had heard him say so. Mr. C. replied he had not. Mr. T. then said that second-hand evidence was inadmissable anywhere.

Mr. HATCH said, that he was present at the delivery of the sermon and heard the words repeated, and he was ready to sustain what had been said by the gentleman from Jo Daviess. He was particular in noticing the language used.

Mr. WEST said, that he was present and heard the sermon alluded to, and he had understood it differently. Mr. HALE had used words of that kind, but not without a qualification, and said there were many honorable exceptions.

Mr. CAMPBELL of Jo Daviess. *Honorable exceptions* in a body of men who had perilled their lives in a defence of their country! Worse than the other.

Mr. WEST. He said exceptions amongst the volunteers.

Mr. CAMPBELL. Well, honorable exceptions *amongst* those who had battled in the cause of their country!

Mr. SINGLETON said, that in order to obtain information of what Mr. HALE had really said, and to enable him to defend himself, he would move to lay the subject on the table. Carried.

Mr. KNAPP of Scott offered the following resolution:

Resolved, That the Convention highly appreciate the services of the volunteers, both officers and privates, of this State, who have perilled their lives in the cause of our common country in the war with Mexico, that their fame is established upon an immovable basis, far above the reach of calumny, having earned for themselves a character that needs no vindication, and which cannot be impaired by detraction.

Mr. CAMPBELL of Jo Daviess moved to add to the resolution the following: "And this Convention highly deprecate all reflections upon the character of the volunteers, coming from the pulpit or any other source."

On this resolution and amendment a debate ensued, in which Messrs. DEITZ, CAMPBELL of Jo Daviess, PINCKNEY, and DAVIS of Montgomery participated.

Mr. LOGAN moved to insert after the word "character," in the amendment, the words "for courage or patriotism." And

the question being taken thereon, it was decided in the negative; and then the amendment of Mr. CAMPBELL was adopted.

Mr. PALMER of Macoupin offered a preamble and resolution, as a substitute. The preamble contained a recital of the general principles set forth in the constitution of the United States, and the resolution disclaimed any power to control an expression of opinion by any person.

The debate was resumed and continued by Messrs. ARCHER, MCCALLEN, SERVANT, LOGAN, PALMER, and CAMPBELL of Jo Daviess.

Mr. CAMPBELL of Jo Daviess moved to lay the substitute on the table.

Mr. PALMER of Macoupin moved to lay the whole subject on the table. The question was divided and taken first by yeas and nays on laying Mr. P.'s resolution on the table—yeas 60, nays 54.

Then on laying the preamble on the table—yeas 9, nays 102.

Mr. MARKLEY moved to refer the preamble to the committee on Bill of Rights.

Mr. EDWARDS of Sangamon raised a point of order—could the preamble be so referred?

After argument in opposition to the order of the motion by Mr. CASEY and MR. LOGAN, the CHAIR decided the motion to be in order.

Mr. SERVANT moved to lay the motion of reference on the table—yeas 53, nays 44. No quorum.

Mr. GEDDES moved the Convention adjourn till Thursday at 3 P. M.—yeas 41, nays 51. Lost.

The motion to lay the reference on the table was then put again and carried.

The question was then put on the substitute, (the preamble) and resulted yeas 44, nays 50. No quorum voting.

Mr. CAMPBELL of Jo Daviess moved the Convention adjourn till Thursday at 3 P. M.

Mr. BOND moved the Convention adjourn *sine die*—ayes and noes demanded, and then the motion was withdrawn.

Mr. WHITESIDE moved the Convention adjourn for two weeks.

Mr. CAMPBELL of McDonough moved the Convention adjourn till the 15th of November.

Mr. BOND renewed his motion to adjourn *sine die;* the ayes and noes were demanded and ordered.

Mr. Z. CASEY appealed to the gentlemen to withdraw their motions, and to the Convention to proceed with the business for which they had been sent. He deprecated the great waste of time, and earnestly hoped that we would proceed to business.

Messrs. WHITESIDE, BOND, CAMPBELL of McDonough, severally, withdrew their motions, and the Convention, in order to attend the funeral of Col. Hardin, at Jacksonville, on Wednesday, adjourned till T[h]ursday at 3 P. M.

XXX. THURSDAY, JULY 15, 1847

The Convention, pursuant to adjournment, met at 3 P. M.

Mr. DAVIS of Montgomery said, there was apparently no quorum present, and probably there was not in town. He, therefore, moved the Convention adjourn till to-morrow at eight o'clock; and the question being taken on the motion, was decided in the negative.

Mr. PETERS moved a call of the house; and it was ordered.

The Convention was called, and after the absentees had been called again, a quorum appeared.

Mr. Z. CASEY moved that all further proceedings under the call be dispensed with. Carried.

Mr. Z. CASEY moved the Convention resolve itself into committee of the whole, and the Convention did resolve itself into committee of the whole—Mr. CRAIN in the chair, and resumed the consideration of the report of the committee on the Executive Department.

The question pending, was on filling the blank, in the substitute proposed by Mr. CAMPBELL of Jo Daviess for the fifth section, with the sum of $1,250, (annual salary of the Governor;) and the vote being taken thereon, it was decided in the affirmative.

The section was then passed over informally for the present. Sections 6 and 7 were passed without amendment.

SEC. 8. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting; when the General Assembly shall either pardon the convict or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall, biennially, communi-

cate to the General Assembly each case of reprieve, commutation, or pardon granted; stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of commutation, pardon, or reprieve.

Mr. PETERS offered to amend. After "applying for pardons," at the end of first sentence, insert, "and he shall also have power to grant pardons after indictments found, and before trial, and conviction, whenever the judge or judges of the court, wherein the indictment shall be pending, shall recommend to him to grant such pardon;" which amendment was adopted.

Mr. KNAPP of Scott moved to insert after the word "date" where it first occurs, the words, "and his reasons for granting such pardons."

Mr. HARDING offered as a substitute for the amendment: "and at the time of such pardon he shall publish at large his reasons for granting the same;" which substitute was rejected.

And the question being taken on the amendment, it resulted, yeas 37, nays 59—no quorum voting. And a second vote being taken, it stood, yeas 35, nays 70—no quorum voting. And the committee rose and reported that fact to the Convention.

Mr. THOMAS moved a call of the Convention. Ordered, and a quorum responded to their names. The Convention then resolved itself into committee of the whole again, and the vote being taken on the amendment, it was decided in the negative.

Mr. HARDING renewed his substitute as an amendment, and the same was again rejected.

Mr. TURNBULL moved to strike out the words "biennially to the General Assembly" and insert "publish in the several papers published at the seat of government." Messrs. ARCHER and DAVIS of Montgomery opposed the amendment and Mr. CONSTABLE advocated its adoption.

The question being taken, the amendment was rejected.

Mr. McCALLEN moved to amend by inserting after "treason" the word "murder."

He said, that when the report of the Judiciary committee came before the Convention, he intended, if none else did, to move the abolition of capital punishment, and the object of this amendment was to meet that proposition. He desired that when a man was

convicted of murder, that he should not be hung, and at the same time he wished to place him beyond the reach of the pardoning power, by the Governor.

Mr. KINNEY of Bureau opposed the amendment briefly.

The question being taken on the amendment it was decided in the negative.

SEC. 9 was passed without amendment.

SEC. 10. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened; and the General Assembly shall be limited in their action to such matters only as the Governor shall lay before them.

Mr. PETERS moved to add at the end of the section: "Except at such special session trials of cases of impeachment may be had, and removals from office made in the manner provided in the constitution."

And the question being taken thereon, the same was rejected.

Mr. SCATES moved to insert after "occasions" the following: "which would cause great and irremediable injury by delay;" and, on a division the amendment was lost.

Mr. THORNTON moved to strike out all after the words, "the general assembly shall," and insert "enter upon no legislative business except that for which they were specially called."

Mr. CHURCHILL offered the following as an amendment to the amendment: strike out all after the word "proclamation," and insert, "the general assembly, when so convened, shall have the same power, and be liable to the same restrictions as in a regular session."

And the question being taken thereon, the same was rejected. The question recurring upon the amendment of Mr. THORNTON, it resulted, yeas 43, nays 60; no quorum voting. A second vote was taken, and the amendment lost—yeas 42, nays 68.

Mr. McCALLEN moved to strike out all after "proclamation."

Mr. DAVIS of Montgomery moved to strike out all after "convened;" which was accepted by Mr. McC. as a modification of his amendment.

Mr. CONSTABLE moved the committee rise, report progress, and ask leave to sit again; which was carried.

The committee then rose, reported progress, and asked leave to sit again; which was granted.

A motion was made that the Convention adjourn till to-morrow at 9 A. M., but the motion was negatived; and then, on motion, the Convention adjourned until 8 A. M. to-morrow.

XXXI. FRIDAY, JULY 16, 1847

Prayer by Rev. Mr. GREEN of Tazewell.

Messrs. MOFFETT, JACKSON, KNOWLTON, BROCKMAN, and FARWELL, presented petitions from their respective counties, praying the appointment of a superintendent of common schools, all of which were referred to the comm ttee on Education.

Mr. WOODSON offered the following as two additional rules; which were adopted—yeas 71, nays 50:

RULE. No resolution or proposition which has been or which shall be hereafter introduced in the Convention shall be considered unless it relates to or is directly connected with the "alteration, revision or amendment of the constitution," without the consent of at least two-thirds of the members of the Convention previously obtained, and if such consent be so given, the same whall be voted on without debate.

RULE. Hereafter, immediately after the reception of petitions and reports from the standing committees, the Convention shall resolve itself into a committee of the whole on the reports of standing committees, which shall be the standing order of the day until the same are concluded.

Leave of absence was granted to Messrs. JAMES, KITCHELL, PALMER of Macoupin.

Mr. WEAD, from the special committee on townships, and the organization thereof, made a report containing a proposed article to be incorporated in the constitution; which was read, laid on the table, and 200 copies ordered to be printed.

The Convention then, on motion, resolved itself into committee of the whole, and resumed the consideration of the report made by the committee on [E]xecutive Department—Mr. CRAIN in the chair.

The question pending was on the amendment proposed by Mr. McCALLEN.

Messrs. MINSHALL and EDWARDS of Madison made a few

remarks in opposition to the amendment and in favor of the section as reported by the committee.

Mr. KINNEY of Bureau said, that he would be in favor of the report of the committee if he thought that it would hereafter be construed in the manner intended by the committee, but he considered that another interpretation than that intended would be placed upon it, and he would, therefore, move to strike out the last clause, and have the same idea inserted in language that cannot be misconstrued.

Mr. LOGAN said, he desired to say a few words in explanation of the position he occupied on this question. He thought he saw, when looking at this question through the dark vista of futurity, scenes of tyranny, oppression and misrule; a violation of the great principles of republican government, and the constitutional establishment of a legislative department, abandoned to the power and control of one man, styled Governor. This would be the effect of the last clause in the section now before us, if retained in the constitution.

He opposed the section in its present shape, because it conferred upon the Governor legislative power, which was not contemplated by any of the States, or the people of this State, when they proposed to establish a republican form of government. Our government was one of three co-ordinate branches, and it was never designed that either one of those departments was to invade upon the duties of the others, or in any way assume the peculiar functions not belonging to itself. The clause in the section now before us placed in the hands of one man the great and dangerous power to direct and control the Legislature in its actions—to say to it "thus far shalt thou go and no farther;" to say to it what acts he required them do, and to deny them the right of legislating upon those subjects which he had no desire should be touched. This section gave him this dangerous power over the action of the Legislature at a called session, and if the principle was good at a special session, why would it not hold good at the regular sessions? If it was safe and proper to give him the power at one session, why not let him have it at all sessions? If the great evil to be dreaded at special sessions was excessive legislation, and this section was intended as a remedy for that, why not apply it to general sessions;

for the remedy if good in one case was good in the other. He thought that under the spirit of our system of government, the legislative power properly belonged to the Legislature as the immediate representatives of the people, and that it contained the views and sentiments of the people, and a better knowledge of what laws the people desired than under any circumstances could be possessed by a Governor. And he objected against the bestowal of such an immense power upon the Governor. The constitution never contemplated conferring any legislative power upon the Governor; it gave him the power to call the Legislature together when extraordinary circumstances required it, because that body had no power to call themselves together. He also opposed the vesting in the Governor the power to call a session of the Legislature, and propose to them, as long as they continued in session, new schemes and projects. He desired to see the object set forth in the proclamation calling them together, and none other allowed, as it would be found to be the case that the Governor would find himself beset by friends, political friends, who would beg him to recommend to the Legislature favorite measures desired by them, and they, in their turn, would support the schemes of the Governor, and thus, by a system of combination and log-rolling, the Governor would be enabled to wield an extensive legislative power. He would thus become a central power, and could control the others. He thought the Legislature the proper body to judge of what was its proper duties, and what legislation was required for the people.

Mr. KNOX moved, as an amendment, to add to the section "at the commencement of the session."

Mr. BROCKMAN followed in favor of the section as it stood. He thought the general sessions of the Legislature, to be held biennially, would be sufficient for the legislation required by the people, and for the stability in them so much desired; and that the extraordinary session should be devoted solely to the business which the Governor should lay before it. He had full confidence in the Legislatures that might come after us, and dreaded no such evil results as had been predicted by the gentleman from Sangamon.

Mr. HAWLEY opposed the section as unprecedented, and as

one calculated to defeat the object of the formation of an independent legislative department.

Mr. EDWARDS of Madison replied briefly to Mr. LOGAN, and controverted the probability of the evils declared by the gentleman to be consequent upon the adoption of this section.

Mr. DEMENT was in favor of the old constitution as it stood in reference to this subject, and opposed to the section as reported by the committee. He did not believe that the effect of this restriction would be to restrict legislation at the extraordinary session, but would rather increase it. Every member who had any particular subject which he desired legislation upon, would call upon the governor and request him to call the attention of the legislature to it; and if he had not the influence with the Governor, he would by the intervention of friends, obtain that privilege. The Governor would feel obliged, from feelings of courtesy, to do so, and thus every sort of matter would be before the legislature; and that too with the sanction of the governor's recommendation that they were matters of importance. And, in this way, the Governor himself would be placed in a very delicate position, either to recommend trifling matters or to lay himself open to the charge of denying one man's request when he may have acceded to that of another. He thought there was no danger in entrusting the legislature with all matters, and allowing them to be the proper judges of what was required by the people. He again said he would prefer the provision as it stood in the old constitution, to the section as reported by the committee.

Mr. DAVIS of Massac said, that he supposed the object of the committee, in reporting the section, or the last clause of it, was to prevent any legislation upon matters other than those for which it had been called. He was in favor of the object which they had had in view, but he did not believe that it would be effected by the section as it now stood. The clause, which it was proposed to strike out, placed in the hands of the Governor the power to recommend and lay before the legislature at this extraordinary session, any subject which he might think proper, whether that subject had any reference to the specific object of the called session or not. Mr. D. was not willing to give the governor this power, by which he would be enabled to regulate the action of the legis-

lature by submitting to them whatsoever he thought proper, and having legislation upon subjects which he only, perhaps, had a desire or an interest in having legislative action upon. He was opposed to it because he considered that when the legislature was called together, which should be only when extraordinary business required their immediate action, they should be confined in their actions to the object for which they were called, and should enter into no business but that stated in the proclamation. He would vote against the amendment offered by the gentleman from Knox, in order that the amendment offered by the gentleman from Shelby (Mr. THORNTON) on yesterday, and which had been voted down, might be reconsidered, and adopted. That amendment defined, in proper terms, the action of the legislature at the extraordinary session, and prohibited any general legislation. It was similar to a provision in the constitution of the State of Tennessee, and he was sure it had not been understood, or else it would have been adopted.

Mr. WEAD was in favor of the section as it had been reported, and opposed to any amendment. He thought that it was understood that the people of the State felt there had been too much legislation in Illinois, and they had been informed upon that subject to-day, by men of experience and of age. That there had been too much legislation none could deny; and to remedy that evil and guard against it for the future, was one of the principal reforms expected from this Convention. Laws had been passed at one session and changed at the next; and all this was to be prevented for the future.

If, however, general legislation was desired more frequently than once in two years, why not have the Legislature meet every year, and do away with the provision for biennial sessions? He considered this matter settled and thought the only question now for them to dispose of was, what restrictions should be placed upon the action of the extraordinary sessions, which might be called by the Governor. It was, should we confine them to legislation upon the subjects contained in the proclamation by the Governor or to what is laid before them, in his message to them, when they shall have assembled or shall we allow them to act upon what he may lay before them from time to time, during the session or

shall they have power to go on and legislate upon all matters which they may think proper for them to legislate upon, independent of the object for which they may have been called? These, in his opinion, were the proper subjects of inquiry. The last had been settled by the former action of the Convention, in fixing the sessions to be held biennially, thus prohibiting general legislation more than once in two years. To the first there were many objections; one of these was, that no man could forsee the great number of events that might transpire between the time of issuing the proclamation and the time of the meeting of the Legislature; and the Governor may set forth in that proclamation a vast number of subjects, which will embrace every sort of matter proper for legislative action, some of which may not be popular with the people in one section, and some unpopular in another section. The Convention has already said that the legislature shall meet but once in two years for general legislation, with unlimited powers, except so far as restrained by the general provisions of the constitution, and can we not provide the restrictions to be placed upon their action when assembled for a specific object, so as to confine them to legislation upon that object, without prejudicing their action, or treating them with distrust? Much good will be found to result from this resolution. Take away from the Governor this privilege of laying before them the only subjects upon which they can act, and you throw open the doors again to all the evils of special, and local, and excessive legislation, as we would have if the sessions were annual.

He was in favor of allowing the Governor this check upon the action of the Legislature at this extraordinary session, and he feared none of those evils, of combination and log-rolling, which had been spoken of by the gentlemen. The Governor, it was to be presumed, was to be a man of some character and honesty, and that very character, his pride, his self-respect, and his regard for his position as representative of the State and the whole people, and not any local interest or section, would keep him above such contrivances and designing schemes, and govern all his actions with a desire to promote the general welfare of the State. He will take care that all things proper and desirable for

the action of the Legislature shall be brought before the people and all others excluded.

Mr. DAVIS of Montgomery made a few remarks in opposition to the section.

The question was then taken on the amendment of Mr. KNOX, and it was rejected.

The question recurring on the amendment of Mr. MCCALLEN to strike out, it was decided in the negative—yeas 60, nays 64.

Mr. WOODSON moved to strike out the words, "lay before them," and insert: "set forth in his proclamation."

Mr. CONSTABLE moved, as an amendment to the amendment, to add to the same: "and such other subjects as may be introduced by the concurrence of two-thirds of the members of each house composing said general assembly, based upon the important exigency demanding this action and connected with the public welfare."

Mr. PRATT opposed the amendment of Mr. W. as without a precedent in any state constitution in the Union, where the instance or precedent of a case where the Governor was required to state, in his proclamation calling an extraordinary session, the object for which he convened them. He would refer the gentleman to the extraordinary session of the Congress in 1837, called by the President. In the proclamation the object was not expressed, although every one knew the cause—the financial difficulties of the land;—but at the meeting of Congress, the President sent to them his message upon the subject of the finances of the country, and submitted to them the Independent Treasury. Congress, however, at the extraordinary session, rejected the Independent Treasury, and adopted a loan by treasury notes, for the Independent Treasury bill was not passed for two years afterwards. No such thing was required in any state in the Union, and there were good reason[s] for not doing so. One great reason was, the great expense of so doing. If the arguments were set forth in detail in the proclamation, it would make it very long, and to have it published in all the papers over the state, would cost a great amount, which he thought it better to avoid.

Mr. WOODSON said, that if he understood the objection urged by the gentleman, it was that the proposition contained in

the amendment was one which had not been required by other states; this was one reason in his (Mr. W.'s) opinion, why it should be adopted, and the legislature confined to the specific object for which they had been called upon to legislate. By having the object stated in the proclamat[i]on it would be known to the people in the state, and the representatives might be enabled to obtain an expression of the people's sentiments upon the subject. We had already made provision, in the article of the constitution reported by the committee on the Legislative Department, that the legislature should meet, for purposes of general legislation, but once in two years—a measure that had been universally demanded by the people; and if they were to be called together on these extraordinary occasions, the people should know the object of the call, and the representatives ought to have time, before the meeting of the session, to exchange their views and sentiments with their constituents upon matters which they were to act upon; and when they did meet to carry out the wishes of their constituents upon that subject, act upon it, and that only, and then go home.

Mr. LOGAN said, he would say one word to the gentleman from Jo Daviess (Mr. PRATT) upon the question of expense. If the objects which the Governor desired to lay before the legislature at these extraordinary sessions were presented in detail to the people, at the time of the proclamation calling the general assembly together, it would not cost any more than if he did so, as he would, in his message to them at the opening of the session.—They would have to be presented at one time or the other, and the expense would be no less at one time than at the other.

Mr. PRATT replied, that the gentleman from Sangamon was mistaken. To have the long proclamation advertised in the various papers of the state, for a month or more previous to the meeting of the legislature, would cost considerably more than having the message set up at one office, and then 20,000 extra copies, which would cost but the price of the paper and the press-work in addition, circulated over the state. If that gentleman would examine, he would find out that there would be considerable difference in the cost.

The question was then taken on the amendment of Mr. CON-

STABLE, and the same was rejected. And thereupon the motion of Mr. W. to strike out and insert, and the same was rejected—yeas 59, nays 63.

Mr. HAYES moved the committee rise, &c.; and the committee rose, reported progress, and asked leave to sit again. Granted.

And then, on motion, the Convention adjourned till 3 P. M.

AFTERNOON

The Convention met, and immediately resolved itself into committee of the whole—Mr. CRAIN in the chair.

Mr. PETERS moved to reconsider the vote by which the amendment proposed by Mr. THORNTON had been rejected.

And the vote being taken on reconsidering the same, it was decided in the affirmative—yeas 63, nays 57. And then the said amendment was adopted—yeas 75, nays 33.

Mr. KENNER moved to strike out the words, "when assembled the purposes for which they were convened," and the same was adopted—yeas 76, nays 40.

Mr. LOCKWOOD moved to strike out the whole section; which motion was negatived—yeas 41, nays 72.

SEC. 11. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

Mr. KENNER moved to strike it out.

Mr. WHITESIDE offered, as a substitute: "He shall be commander-in-chief of the militia of the state, except when they shall be mustered into the service of the United States."

And the question being taken, both motions were decided in the negative.

SEC. 12. No amendment.

SEC. 13. PROVIDING FOR A LIEUTENANT GOVERNOR OF THE STATE.

Mr. OLIVER moved the section be stricken out. Rejected.

SEC. 14. The Lieutenant Governor shall, by virtue of his office, be Speaker of the Senate; have a right, when in committee of the whole, to debate and vote on all subjects, and, whenever the Senate are equally divided, to give the casting vote.

Mr. CHURCHILL moved to strike out: "have a right, when in committee of the whole, to debate and vote on all subjects." Rejected.

Mr. SERVANT moved to strike out the words, "and vote on." Lost.

Sections 15 and 16 were passed without amendment.

SEC. 17. If the Lieutenant Governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the General Assembly, it shall be the duty of the Secretary of State for the time being to convene the Senate for the purpose of choosing a speaker.

Mr. CHURCHILL moved to strike out all after, "assembly," and insert: "the speaker of the house of representatives shall act as Governor." Lost.

Sections 18 and 19 were passed without amendment.

SEC. 20. Every bill which shall have passed the Se[n]ate and House of Representatives shall, before it becomes a law be presented to the Governor: if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other House; by which it shall likewise be reconsidered; and if approved by two-thirds of the members present, it shall become a law notwithstanding the objections of the Governor. But in all such cases the votes of both Houses shall be determined by yeas and nays; and the names of the members voting for or against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor within ten days, (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return; in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said ten days, or be a law.

Mr. WOODSON moved to strike out, "if he oppose [*sic*] he shall

sign it, but if not," and insert: "who shall sign the same and return it forthwith to the house in which it originated, unless he have constitutional objections to such bill, when."

And the question thereon being divided, was first taken on striking out, and decided in the negative.

Mr. CROSS of Winnebago moved to strike out, "two-thirds of the members present," and insert: "majority of all the members elect." Rejected—yeas 60, nays 61.

Mr. [SMITH of Macon][36] moved to strike out the whole section. Lost.

Mr. DAVIS of McLean moved to strike out, "two-thirds of the members present," and insert: "two-thirds of the members elect." He said that he offered this amendment for the purpose of giving the veto power, if it was to be retained, some little force. We had adopted, in the article on the Legislative Department, a provision that no bill should be passed until it received a majority of the votes of the members elect; and if the section stood as it now did, a bill, after having been vetoed by the Governor, might be passed by a less vote than in the first instance, for two-thirds of the members present might, in many instances, be less than a majority of the whole house. He thought it would be inconsistent to leave this section in its present shape, after the action of the committee on the former article.

Mr. PETERS enforced the same view.

Mr. LOCKWOOD thought differently; a bill which had been passed by the legislature, and which was returned by the Governor, came again before that body, not as a bill which had been passed, but as a new proposition for their action, and which would require, at least, the same vote as other bills required.

Mr. DAVIS replied, and repeated his remarks, and Mr. Lockwood withdrew the opinion he had just expressed, and concurred in the view taken by Mr. D.

Mr. LOGAN said, that the section as it now stood, reduced the effect of the Governor's veto to a little less than nothing at all. The house consisted of seventy-five members, and it would require a vote of thirty-eight in its favor to pass the bill in the first instance; the legislature may say that one-third shall constitute a quorum

[36] Name supplied from the *Journal of the Convention.*

for the transaction of business, which would be thirty-four members, and under this section, two-thirds of this quorum may pass the bill. This destroyed entirely the veto power.

Mr. SINGLETON thought a majority of the members elect, which was required to pass the bill, a sufficient check upon the action of the Legislature, and a sufficient one for the importance to be attached to the objections interposed by any Governor which we may have in Illinois. He would vote for making the majority of the members elect, a sufficient number to pass a bill after a veto, and would oppose the two-thirds.

Mr. MINSHALL advocated the amendment—two-thirds of the members elect, as a most invaluable safeguard against the evils of hasty and unprovident legislation, which had been the subject of such universal complaint for years past in our state, and upon this floor where it had been denounced in such unmeasured terms; and he was astonished now to hear these same gentlemen hesitate to adopt this most salutary and wise provision against its recurrence. He had seen the time when, if such a clause as this had been in our constitution, it might have saved the state from the shame, ruin and disaster which had fallen upon them, by the wild and speculating notions of the legislature. He considered the veto power, particularly in the western states, where such a desire existed to rush into hasty legislation, and wild speculation, was the wisest and most saving clause to be inserted in any constitution to check the excess of over legislation. He was in favor of its adoption in this constitution, and he thought there was a great feeling existing among the people, which looked to this Convention for its adoption. Though its expediency in the hands of the President of the United States might be doubted by some, he could see no objection to it in a state government, but thought it most salutary and proper.

Mr. PETERS was in favor of the amendment as proposed by the member from McLean, and when the time would come when the ayes and noes could be called for, he would not hesitate an instant in recording his aye in favor of it. He thought its operation had been most beneficial, and had been informed that if it had been in our old constitution would have saved us from much ruin. He was not acquainted with the circumstances himself, (not then

being in the state) but he was informed that when the great cause of our misfortune—the internal improvement act, which had created our debt, and piled up millions upon millions, which we were to pay—the Governor had vetoed it, and when it went back to the legislature, it was passed again by a majority of those present.

Mr. EDWARDS of Sangamon said, he had never understood that that bill had been vetoed.

Mr. THOMAS said, he was familiar with its history, when it was first passed; it came before the council of revision, the Governor vetoed it, and gave his reasons, Judge Smith did the same, and gave his reasons, and other members of the council did the same; all the members who opposed it, gave their reasons for vetoing it, separately, and differently.

Mr. PETERS said, that he was glad to have been informed upon the subject, for he knew nothing of it himself, and had referred to it as a matter of history. Any way, however, had the Governor not been clogged by the other members of the council of revision, and this two-third provision been in the constitution, the state might have been saved from all the devastating evils of that act. He again referred to the inconsistency of the section as it now stood, which allowed a bill to be passed after a veto, by a less number than it did in the first place, and advocated the adoption of the amendment.

The question was then taken on striking out "present" and inserting "elected;" and decided in the affirmative.

Mr. LOGAN moved to strike out "two-thirds" and insert "majority."

Mr. SERVANT said, he would vote to strike out two-thirds, if he thought he could have three-fifths inserted, but he feared that he might not succeed, and would therefore vote against striking out. He alluded at some length, to the internal improvement act, and argued that all its evils might have been prevented if a similar provision had been in the old constitution.

Mr. KNOWLTON followed in opposition to the veto power, in any shape, which he denounced as opposed to the principles of republicanism—it giving to one man, the power to defeat the action of a majority of the immediate representatives of the people.

Mr. SMITH of Macon said, he represented two counties, and this question was the principal one which had been discussed before the people by himself, and his opponents; and he was sure that he knew the sentiments of his constituents to be entirely opposed to the veto power in any shape. He argued at much length against it as a relic of the British constitution, and as entirely opposed to the true basis of republican government—the power and sentiments of the people, as manifested by their representatives.

Mr. McCALLEN was entirely opposed to the veto power being engrafted on our constitution. It was anti-republican, for it afforded means whereby the wishes and sentiments of the people might be defeated by one man; and as anti-democratic—for it gave one man, styled Governor, an equal weight with forty-nine of the representatives of the people. He alluded to the remarks that had been made upon the internal improvement act, which it was said might have been defeated by such a power; and argued that even admitting the truth of that remark, it was no cause why they should depart from the true principles of republicanism and democracy. He thought that the whole evil of that scheme, was the result of one exercise of the veto power by a President of the United States. The bank of the U. States had been destroyed by the veto of General Jackson, and the then good currency of the land was taken away; the people had resolved, in self defence, to have state banks, which had produced an inflation of the currency, and a desire to speculate; out of that desire had grown the internal improvement speculation—and then had come the ruin. All of this he attributed to the veto of the charter of the United States Bank. He denounced the veto power as one giving the executive an authority to encroach on the legislative department, which he said had been done gradually by every President since the first exercise of it; and at length, it had gone so far that the President had involved, by his own act, the country in a war, without consulting the legislative department at all. Many evils might have been averted to this state, had this power been exercised. Rome had been saved three times by clothing its executive with dictatorial powers, but that was no argument that the true principles of our government should be abandoned.

The question was divided, and first taken on striking out "two-thirds," and decided in the affirmative—yeas 68, nays 47.

Mr. MINSHALL moved to insert "three-fifths" instead of "majority," as proposed.

[Mr. MINSHALL addressed the committee:[37]

As the question at present stands, said Mr. M., (the committee having in their report required a vote of two-thirds of the legislature to pass a bill over the veto of the governor,) there appears to be a diversity of opinion in the convention as to whether they will confer the veto power on the governor or not, in the manner in which it is thus proposed in the report of the committee. Unless the amendment which has been proposed, to strike out the words "members present," and insert members elected, be adopted, the veto power as conferred by the report will amount to nothing, for less than a majority of the whole number of members elect may pass a bill, or a bare majority, which is already provided for in the 16th section of the report of the legislative committee, requiring all bills before they can become a law, to be passed by yeas and nays, be a majority of all the members elected. I cannot, continued Mr. M., see the necessity or use of the veto, as proposed by the committee, unless the amendment proposed by the gentleman from McLean, requiring that the two-thirds should be two-thirds of all the members elect, should be adopted. I am not quite sure that two-thirds is the right number. I do not know but that I would prefer a smaller number; but I must be permitted to say, that in a State government, I regard the veto as an invaluable safeguard against the evils of hasty and improvident legislation, which has been the subject of universal complaint for years past, in this State; and we hear the same complaints reiterated on this floor. Have we not been striving in every possible way to prevent its recurrence hereafter, by narrowing down the legislative power, and heaping restrictions upon it in every shape and form? We have heard the legislation of the State denounced in unmeasured terms; and I must say, that I am not a little astonished to hear gentlemen who have been so eager to check hasty legisla-

[37] This speech by Minshall, together with those by Singleton, Smith, Bond, and Woodson, are taken from the *Sangamo Journal*, July 29.

tion, now, when we have arrived at the proper point—when we have in the progress of framing a constitution—arrived at the place were we may in the most appropriate manner interpose the proper check to improvident legislation, I am astonished, I say, to see the same gentlemen hesitate to adopt this salutary and wise provision against its recurrence. I have seen the time, sir, when such a clause as this, in the constitution of this State, might have saved the State from the shame, ruin and disaster which have fallen upon it. In the general government the Veto power, in my opinion, ought to be curtailed; but in our State government it may be safely increased.

[Some further discussion having taken place on the motion to strike out "two-thirds" and insert three-fifths of the members elected.]

Mr. MINSHALL said he desired to place himself in a correct position, inasmuch as the language of the gentleman from Greene, (Mr. WOODSON,) might subject his views to misconstruction. I am in favor, continued Mr. M., of this slight increase of the veto power in the State government, without regard to party consideration. I do not think that party has anything to do with the matter, although some gentlemen seem to argue as if there was in reality some connection between this matter and party considerations. I regard it as a matter pertaining to the State government alone; as a principle proper to be incorporated in the State constitution; as a necessary, salutary provision for the protection of the people against improvident and hasty legislation. I have referred to the executive of the United States and to the veto power in the United States Government,—not as a matter of party difference—although some gentlemen have treated it in that way; I have referred to it for the mere purpose of argument and illustration, and I presume it may be referred to for that purpose without differing with gentlemen as to the effects of the power on the legislative interest of the government of the United States, and without impropriety.

Mr. MINSHALL proceeded to enlarge upon this point. He insisted that there was no analogy between the exercise of the power under the United States government, and its exercise in a State government; and no just comparison could be made between

its exercise by the President and its exercise by the Governor of a State. It was not a fair argument to resort to on this occasion, where the simple deductions of reason alone were proper; because it furnished gentlemen with the opportunity of making improper appeals to the prejudices of our nature, without taking the distinction, which in reality existed, between the reason for the power in one case, and against it in the other. They were not parallel cases. The powers of Congress were different entirely from those of the legislature of the State. The powers of Congress were limited and restricted to certain specified matters. In the States, on the contrary, all power resided in the legislature except what had been delegated to Congress. The powers of Congress were of a limited delegated character, while those of the State legislature were sovereign and supreme. The patronage of the executive of the United States was large and increasing, and possessed a controlling influence which was likely to operate improperly, if it had not done so already on the legislative department of the government. The argument of the gentleman from Greene, and the quotation which he has made from Justice Story, proved that the veto power ought to be increased in the State government, and diminished in the government of the United States. It would be proper to restrict the power in the government of the United States, but the same reasons for its restriction, did not exist in a State government.

Look, said Mr. MINSHALL, at the history of our State government, and let gentlemen tell me when and where the executive department of this State, ever encroached upon, or overrun the legislative department; when the power of patronage or influence of the governor ever overran the legislature? When was it? Never. On the contrary, the history of the past in our legislative progress shows that the legislative department has constantly encroached upon the province of the executive; and that is almost always the case with State legislatures, they being the active branch and concentrating the sovereignty of the people.

Unless the executive and the other co-ordinate departments are strongly guarded, the inclination of the legislative department is, and ever will be, to encroach upon the others. Has not that been the case with our State government for the last fifteen or

twenty years? Did not the legislature take from the governor the appointment of prosecuting attorneys, and various other privileges which had been originally conferred upon him? Why, there has been nothing else since the beginning of this government, and particularly for the last 10 or 15 years, but encroachment after encroachment by the legislative department upon the executive, and judicial department of the government, until it has prostrated the one, and rendered the other contemptible. The veto power, then, is necessary to enable the executive by the exercise of this negative power, to protect itself and its co-ordinate department from the encroachments of the legislature. It must be perfectly apparent to all who are unblinded by passion and prejudice, that the power should exist in a State government, for the purpose of perserving the equilibrium and independence of the co-ordinate branches of the government. Are we to have a government of co-ordinate and independent departments? Have we not commenced with that as the basis of the constitutional government we are now framing? If so, this provision is necessary to the executive for its own protection. It would appear from the position of the gentleman from Greene, that he was for dispensing with the executive department altogether, from the holy horror which he manifested at what he is pleased to call this monarchical feature of the government.—Yet the government of the United States, and of all the States in this republic, all possess this same monarchical feature.

But this power is necessary for another important purpose, and that is, to carry out the position of the gentlemen who now oppose the power, but who have been strenuous advocates for inserting in the constitution, the clause restricting legislation at a special session, to the matters contained and specified in the proclamation of the governor as the reason for calling the special session, the inclination of the legislature will be to break over this restraint. Suppose the case of a special call of the legislature under our new constitution, for a specified object, and that during the session the legislature should, notwithstanding the restriction, pass an act the subject of which was not comprised in the specification of reasons for calling the legislature. How is the legislature to be restrained, if the governor has not the power to inter-

pose his negative to a bill of this kind, or if a bare majority be sufficient to pass the law notwithstanding the veto? This new feature in the legislative department alone, if gentlemen who are in favor of it, seriously design to make it available, requires a slight increase of the veto power. The gentleman from Greene says, that the internal improvement system is the only instance of excessive legislation which can be cited, and that would have passed in spite of the veto, if it had existed. But that is not the only case. Has the gentleman forgotten the scenes of 1840? Did we not[stand]shoulder to shoulder in resisting the encroachments of the legislature upon the judicial department? Was not that enormous breach of the constitution, and the prostration of the judiciary, returned by the council of revision; and does not the the gentleman from Greene, well remember the manner in which it was passed, notwithstanding the council of revision, by a majority of just one vote? The increase of the veto power now advocated, to three-fifths instead of a bare majority, would have saved the State from that calamity, and the judiciary from that desecration. The gentleman from Greene says, that I am inconsistent in having advocated a large representation in the Legislature, and in now advocating an increase in the veto power; I maintain that it is a correct position. I entertain a desire to see a full and fair representation of the people in the popular branch of the Legislature, because this is the department which most closely and intimately reflects the wishes and interests of the people; but for the very reason that this branch also represents the passions and prejudices of the mass, and although generally desiring to do what they consider to be for the best; yet as they are occasionally carried away by sudden impulses, incident to all popular bodies, the executive should therefore be invested with this negative, this counteracting power. In this consists the beauty, harmony and science of our system.

If, continued Mr. M., our government is to consist of the three co-ordinate branches, distinct and independent of each other, and the executive is to stand upon an equality with the other branches; this increase of the veto power is indispensable to protect the executive and other departments from the encroachments of the legislature; I am firmly of opinion that this slight increase

of the veto power, will operate beneficially for the interests of the State hereafter. I feel assured that it cannot be productive of injury under the present organization of the department, and the little patronage that we are about to allow to the governor. If we were going to have in our constitution a provision giving to the governor a large appointing power; if we were about to confer extensive patronage upon him, so as greatly to increase his influence, the matter would than assume a different aspect, and in that event, I would be less inclined to confer upon him the veto power, but that is not the case. It is doubtful whether he will have the appointment of a single officer. He is to have no patronage; he is to be a mere shadow, an image, a sign of the sovereignty of the State; a representation of that sovereignty in name only, without possessing any of the attributes which belong to it; and yet gentlemen profess great fear and alarm at the proposition for investing the executive branch of the government, with the slight increase which is now proposed. In my judgment in view of all these considerations, the executive could never exert sufficient influence over the Legislature to check its progress from any extraneous causes; but if it exercise an influence at all, it must be from the mere intellectual and moral power which a great and good man only could possess, and that check, in all probability, would be for good and not for evil. I am therefore in favor of this increase of the veto power.

Mr. SINGLETON said, he was in favor yesterday of striking out that part of the section so as to leave the power with a majority of the legislature to pass a bill after the veto of the governor, but as he was satisfied from the vote of the convention yesterday, that a majority of the convention were not in favor of that proposition; he was now willing to vote for the proposition for the gentleman from Schuyler. He was not one of those who would go for no proposition which did not originate with themselves. He was willing, if he could not get the proposition he wanted, to take the best that he could get. He believed that a majority of the Legislature ought to have the power, but as it was impossible to obtain a vote of the convention in favor of that proposition; he was for making the evil as small as possible, by taking the proposition for a majority of three-fifths. It was clearly a party

question, and he was willing to compromise, in order to obtain the best terms that he could get. It was the first time, however, that he had ever offered to compromise, but he felt it to be a duty, which he owed to his constituents, that he should do so on this occasion, and it was only necessary to see the path of his duty before him, and he was ready to follow it. He was ready then to meet gentlemen on half-way grounds. There were serious objections against the proposition as contained in the report of the committee, requiring a majority of two-thirds to pass a bill after a veto of the governor.—That proposition would make the governor equal to sixty-six members—fifteen more than a majority.—The proposition of the gentleman from Schuyler would make him equal to a majority and nine over—a considerable reduction. This proposition, then, was preferable to the first.

Mr. SMITH of Mason said:

Mr. Chairman,—I have not trespassed upon the time of the Convention heretofore to any extent, and will not now inflict a regular speech upon the committee. I would not utter a word upon this subject did I not see a disposition to adopt the report of the committee before us without sufficient investigation; and I feel it to be my duty to make known the wishes of my constituents upon this subject; and when this is done, I am certain it will have more influence with the committee, than any argument that I can present. It will at least have the influence, so far as it goes, in making up the public opinion of the whole State. Certainly no gentleman here is willing to insert any provision in the constitution that will not meet with the approbation of the people of the State.

If I know the opinion of the people of the two counties which I have the honor to represent on this floor, upon any one subject, it is on this. I consider myself directly instructed on this subject. The question of giving to the governor the veto power, was one of the issues between my honorable competitor and myself, when canvassing for a seat in this Convention. I was opposed to giving the governor this high power then, and am more opposed to it now. Considering what we have already done in this Convention, if there ever was a necessity for provision of this sort in the constitution, there certainly is not now. Gentlemen want the

governor to have the power to hold it as a check upon the legislature;—and gentlemen refer to the excesses of former legislation to show the necessity for such a check being placed in the new constitution, to prevent a repetition of similar excesses in the future. Gentlemen refer to the great internal improvement law, that has saddled upon the State the immense debt that hangs over us; and say that if Gov. Duncan had had the veto power, he would have used it, and would have prevented this error of the legislature. This all may be true enough; but gentlemen forget that we have already provided in the amendments that we have reported in the committee of the whole, against the evils of a public debt. We have provided that the legislature shall not pledge the faith of the State for any sum exceeding fifty thousand dollars, except in cases of war and insurrection, without first referring the matter to the people at a general election, and then it must meet with the approval of a majority. This is placing the veto power where it belongs. The people have to foot the bills, and they should hold the veto. Does anyone, sir, suppose that the people of Illinois would have ratified a debt of fourteen millions of dollars? They would have been as clear of that as was Gov. Duncan. They would have vetoed the matter; and, sir, I cannot see the necessity of providing a veto power to be used first by the governor and then by the people. In this case, if the governor thinks proper, the matter or bill may pass to the people, or if he choose otherwise he can veto the bill and the people will never get a chance at it, unless a majority of two-thirds of both branches of the legislature over-rule the veto. In that case it comes before the people, and if they veto it the matter is settled.

There are propositions also before this convention which I think will prevail, which will give the people a veto upon all bank charters. Then, I ask, what necessity is there in giving an additional veto to the governor? Sir, the legislative department of the government of Illinois has become the most unpopular branch of the government, and I believe it is deservedly so. And the cause of this is in the large amount of power conferred by the old constitution upon that department. Had the executive had the same power conferred upon it, it would now be as unpopular as is the legislature.

The proper way, as I consider, to prevent the abuse of power is in not conferring it. The legislature has given more dissatisfaction in taking such large pay for themselves, and in consuming so much time unnecessarily, than in any other one matter; and we have already provided against this abuse, by limiting the pay and the time. This is all called for by the people; but I do not think that the people want us to take power from the legislature and give it to the governor. If you give power to any one of the three departments of government, we must expect they will use it, and if you give the governor the power of becoming dangerous, you may expect that he will become so. The people want to hold in their own hands such power as we may take from the legislature, and not give it to the governor.

Mr. Chairman, I am opposed to giving the veto power to the governor, both on the ground of expediency and principle. I agree with the gentleman from Peoria, that the doctrine is anti-republican, and that it is contrary to the genius and spirit of a representative government. It is, sir, a kingly prerogative, and should be left in the hands of the sovereign people. There seems to be a disposition in this body to confer too much power upon the governor and to render the legislature powerless. You have restricted the legislature by your action in a called session to just such subjects as the governor may propose to them, and now you propose to give to him the veto power. If you succeed in one case, the legislature has the power of originating and proposing such laws as they may pass,—but in the other, they are denied the right, and you give the governor a veto in all cases. It does seem to me that if this plan succeeds, that the legislature, who are the legitimate representatives of the people, will cut but a poor figure in Illinois. I ask, sir, what use is there in having a legislature if you render it powerless, and place it under the control of the executive of the State—a one-man power—the representative of monarchy?

Mr. BOND said he was opposed to the proposition of the gentleman from Schuyler, for the reason, first, that the veto power was not an executive power; and in the next place, that if there was any necessity for guards and restrictions to be thrown around the legislative department, that had been sufficiently done already.

We have provided, continued Mr. Bond, as a security against improvident legislation, that no bill shall become a law unless it shall have received the votes of a majority of the members of the legislature. The sophistry of the arguments of gentlemen consist in this: that they do not say that it is a legislative power. If they would have the governor participate in legislation, why not provide a place for him to come in and engage in discussion, that his opinions may be duly weighed and properly appreciated? Again, the bill of rights provides that the people shall have the right at all times to assemble together in a peaceable manner, and petition for a right of grievances. Why, we might as well provide at once, that the people shall petition the governor and his legislature.

Sir, I am utterly hostile to giving the governor a power equal to that possessed by the people's representatives in the general assembly. I do not think it is such a power as he ought to exercise.—All that he should be called upon to do, is to sanction or not to sanction the acts of the legislature; and if he do not sanction their acts, there will be a sufficient guard thrown around legislation by providing that a majority shall pass such acts before they shall be permitted to go into effect.

The veto power is not suited to this meridian.—It might have been a proper conservative power, in the earlier period of the republic. But it pre-supposes that the governor of the State has some knowledge of our constitution and laws; that he shall be a man of learning; that he shall possess a knowledge of the affairs of government; above all, it pre-supposes him a man of common sense, and common honesty; and a man who can take a survey of things as they really are, and can act with a broad range of mind, can take in the whole community, and lose sight of everything but the good of the entire community. I might perhaps jocularly say, that I was opposed to this power because the people have greatly suffered from overtrading, and I meant to take from the different departments of the government, the fictitious capital upon which they have been trading. I am not willing to acknowledge the governor is superior to two-thirds or three-fifths of the members elected. Some gentlemen contend that he ought to have the veto power, because he acts for the people of the entire State;

whilst the members of the legislature, indiscriminately, represent particular districts. Sir, can he know the wishes of the people better than members of the legislature, who come fresh from the people themselves? If he can, he is something superior to what I have heretofore seen of the qualifications combined in a governor of Illinois; and I believe the responsibility is greater, in an individual who comes immediately from the people. Believing this, and believing also, that as a general rule, they are as capable of discriminating the wants of the people, and as honest and faithful in carrying them out, I never can consent to give my support to a proposition that will put it into the power of the executive to deprive the people of what they desire should be done.

Mr. WOODSON rose and asked the indulgence of the Convention, in order that he might, without consuming more than a very few moments of their time, explain the position which he occupied in reference to this subject. It was not his intention, he said, to enter into a discussion of the veto power. It was unnecessary to do so. He found that a majority of the Convention was disposed to retain that power in the constitution, and as it was to be retained in the constitution, he hoped it would be retained in its least objectionable form.

He was conscientious in saying that he believed it was a power which did not belong to a government such as ours. It was contrary, he thought, to the genius of our institutions. If the government was to be based upon the will of the people, then the veto, proceeding as it did, from one man, was to say the least of it, highly objectionable.

In discussing this question, continued Mr. WOODSON, I would not have alluded to vetoes which have heretofore been given, because I am averse to enkindle anything like party feeling, or introduce anything like party considerations; but I may remark here, that I do not think the veto power, as exercised by the President of the United States, should be exercised by the Governor of Illinois. There are reasons why the President should have the right to exercise the power in his capacity as President, which do not apply to the Governor of a State. In the first place, the executive of the United States is clothed with vast executive patronage, growing out of our foreign relations as well as our

domestic affairs, which makes it extremely necessary that he should sometimes exercise the veto power; but none of these reasons apply to the Governor of a State. I adopt the reason assigned by those who have written commentaries upon the United States government for giving this power.—Judge Story says:

"There is a natural tendency in the legislative department to encroach upon the executive, and to absorb all the power of the government." Now whatever tendency exists on the part of the legislature of the United States government, to encroach upon the executive, the same tendency does not exist in the State government. It cannot exist, as I shall show presently. Our State legislature is restricted and tied down, so that no inconvenience can possibly arise. The reason assigned for requiring the exercise of the veto power, is that it may be used as a check upon improvident, unwise and rash legislation. This is the only reason urged in favor of the exercise of that power here. Well, I think I can convince this convention that it will not apply to Illinois under the constitution which we are about to adopt. Before I touch this, however, I will allude to the remarks made by the gentleman from Fulton, regarding the veto power. He says it has never been exercised in any case in which it has not been universally approved by the people. Now I am not so sure that this is the case; I doubt that it has invariably received their approval. Sir, there is difference of opinion upon that subject; but it is not necessary to discuss that question in connection with the question which is now before the convention.

I differ most widely with the gentleman at any rate. The veto of Mr. Polk of the western river and harbor bill, has certainly not been approved.—I ask the gentleman to pause and reflect, and tell me whether there has not been one universal voice of condemnation in regard to that veto. Sir, have not men of all parties recently met at Chicago and expressed their disapprobation of the veto of that bill? Why unquestionably; there is scarcely a dissenting voice; and I remark also, that the gentleman cannot point out a single principle—a single object in that bill which has not at some time or other received the sanction of Presidents Jackson and Van Buren. However I will not consume the time by dwelling upon this subject. It is not necessary on this occasion.

I have been struck with the peculiar inconsistency (if I may use the expression without designing anything offensive) of the gentlemen from Schuyler and Fulton, on this subject. Sir, when the question came up as to the number of members of which the legislature should be composed the gentleman from Schuyler was eloquent upon what he called an infringement of the rights of the people—endangering their liberties, and yet, when a proposition is made by which the powers of that very people are to be curtailed, the gentleman can find an argument in any-thing and everything, to check the power of the representatives of the people.

Sir, the representatives in the general assembly come directly from the people, they are the people; and to the people alone should they be accountable and not to the executive. But, sir, I come now to the question, and wish to call the attention of the committee to it. Is there not sufficient restriction at this time upon the legislative action of the State? I admit, that there has been one single case, that of the internal improvement system, in which, if the governor had exerted the veto power, the State would have been in a better condition at this day.—But that is a single case; such a case cannot again occur under the restrictions which we have placed around the legislation of the State. It is impossible. But, will gentlemen suffer themselves to be frightened from their propriety by this single case? Are all principles to be surrendered because one single case existed which would have been an exception? No, sir, we should look at the consequences of an act in all future time; we should consider how the country is to be affected by it hereafter.

I desire to call the attention of the committee to some restrictions which they have thrown around the legislative department of the government. [Mr. W. referred to various amended provisions of the report of the legislative committee.]

No bill shall become a law unless it received the sanction of a majority of all the members elected. That is, said Mr. W., an important restriction; it was not a provision of the old constitution, it never existed in the old constitution. A majority of the quorum could pass a law without the yeas and nays. Now, it cannot be done without the yeas and nays, and without a majority of the whole number of members elected. Again, the members of the

legislature are to receive but two dollars per day for the first forty-two days, and one dollar a day thereafter. There is another important restriction on the action of the legislature; the sessions, instead of being almost unlimited as formerly, are now limited to a period of time which is barely sufficient for the transaction of the necessary public business; and another most important restriction is, that no bill for the payment of a claim against the State can be passed, unless the claim shall have been previously adjudicated before some judicial tribunal. Now I ask, what danger there is to be apprehended from legislative action under all these restrictions? There is no danger in future, regarding the passage of bills for internal improvement for which the people are to be saddled with taxation. State legislation is further restricted by the manner in which the legislature is constituted; the Senate acting as a check upon the House, and the House a check upon the Senate. This is what Franklin aptly compared to a wagon with one horse hitched before and another behind, each pulling in different directions. Gentlemen here, are not only for putting a horse before, and a horse behind, but for putting so great a weight upon the wagon, that it cannot be moved. If you invest the governor with the veto power, there will be such a weight imposed as will perhaps entirely clog the wheels of legislation. Suppose the governor should at any time come in collision with the legislature, so that feelings of hostility will be aroused; (and this is not at all improbable,) under the veto power, the governor might veto every law passed by the legislature. Suppose this convention should have refused to require the governor to sign bills when he has constitutional objections against their passage; this power will be illimitable, whether his objections are constitutional or otherwise. Such a restriction upon legislation, I think, is not in accordance with the genius and spirit of this government; a government derived from the people.

I merely throw out this, said Mr. WOODSON, as an offset to the assertion of the gentleman from Fulton, that the people had always expressed their approval in every case in which a veto has been given. It is a remarkable fact, and one which stands out in bold relief, in the history of this State, that the men who voted for that law, have been sustained by the people, and many of

them are now holding high offices in the State. When I rose I did not intend to detain the committee so long as I have, and I beg pardon for trespassing on their time. The people being the the source of all power, the legislature should be accountable to the people for their acts, and not to the executive.

These are my views, and I cannot reconcile it to my mind, that the will of one man should be permitted to control the action of the legislature. If it is to be a representative government at all, I want the people to rule through their representatives, and I want these representatives to be amenable solely to the people. This is the safest course.—Sir, the veto power of the governor, even if a bare majority may set aside his veto, is of itself a sufficient check.

Let us examine how bills are passed. In the first place, a bill has to be read on three several days, unless three-fourths of the members agree to dispense with that rule, and the same formality takes place in both Houses. Here is sufficient time for reflection. The bill then goes to the executive and he vetoes it; and if they think proper upon reconsideration to pass the bill again by a majority, that I think is a sufficient check, a sufficient safe-guard against hasty and inconsiderate legislation, and I cannot consent by my vote that the legislature should be controlled by any further restriction than this. Do the people require that there should be any more restriction? As far as I know the question has never been mooted or discussed before the people of the country; but I believe they will be satisfied with the Constitution if you leave it as it is at present, in regard to this matter. There can be no objection to leaving it as it is. But I perceive that this Convention is determined that the veto power shall be exercised, but why they should be so desirous of introducing it, I cannot conceive.

Mr. WOODSON referred to the veto of Gov. DUNCAN and remarked that Duncan was less popular after that veto than before. As iniquitous as the law was, which was vetoed by him, yet the people returned to the legislature time and again the very men who voted for the law. The men who held the very highest offices in the State afterwards, were those who voted for that law.]

Mr. WEAD addressed the Convention on this subject, (his remarks will appear in our next)[38] until the hour of adjournment.

[38] Wead's remarks do not appear in later issues of the *Illinois State Register* nor in the *Sangamo Journal*.

XXXII. SATURDAY, JULY 17, 1847

Prayer by Rev. Mr. GREEN of Tazewell.

Mr. DEITZ presented a petition in relation to the appointment of a superintendent of schools. Referred to the committee on Educat[i]on.

Mr. TURNER presented a petition praying the abolition of capital punishment. Referred to the committee on the Judiciary.

The Convention then resolved itself into committee of the whole—Mr. CRAIN in the Chair.

The question pending was on the two motions to insert "majority" and "three-fifths."

Mr. HARVEY briefly advocated the amendment to insert "three-fifths," as he thought the "majority" was reducing the effect of a veto to too small an importance.

Mr. WOODSON said, that it was manifest that the majority of the Convention were in favor of retaining the veto power; and if so, he was desirous that it should be adopted in its least objectionable form—by the amendment proposing a majority of the members elect. He opposed the veto power under any circumstances, as opposed to the spirit and genius of our government, which recognize all power as vested in the people, and from them in their representatives; and which was defeated by giving to one man authority to obstruct the passage of any law which those representatives thought it proper, wise and expedient to enact. There might be some propriety in vesting the President of the United States with some such power, but none that we should confer it upon a Governor of a state. The President has vast and extended patronage, and is the representative of the whole Union, and all its diversified interests, and it may be necessary at times for him to interpose this power, to prevent wrongs upon those interests by encroachments by the Legislature. Judge STORY has said, that one reason for the veto was that there is a natural tendency in the legislative department to encroach upon the duties

and rights of the others. This may be true in respect to the national legislature, but is not so in the state governments, nor in this state, which has been shown by the action of this Convention—which he would refer to presently. Another reason given, is that it is a safe-guard against rash and hasty legislation. What further safe-guard is required than those already provided by the committee in its action upon the report of the Legislative committee?

He asked leave to refer to the remark made by Mr. WEAD, "that in no case, where the veto power had been exercised, did it fail in receiving the universal approval of the people," and he would say to that gentleman that he was not altogether satisfied that the late veto of President Polk was so universally approved. In the western part of the country all parties were unanimous, and the great convention, the largest held in this section of the country, at Chicago, had united in the denunciation of that act. There was not a single item in that bill which had not, at one time or another, received the approbation of Presidents Jackson or Van Buren.

Mr. W. then referred in detail to the reduction of the number of the Legislature, the many checks, re[s]trictions and prohibitions thrown around its action, the denial to it of the power it had heretofore of appropriating moneys upon private claims, and urged that all these were sufficient to prevent hasty or improvident legislation. He thought that the case of the internal improvement act was one which might not occur again in a century, and was not a sufficient argument to justify a departure from correct principles. And even if he was sure that the veto power would not be exercised, except on conservative grounds, still he would oppose it, because he believed it opposed to the spirit and genius of our government. He believed that if the Governor had the veto power at the time of the passage of the internal improvement act, and had exercised it, that the people would have still demanded and succeeded in passing that act; for they had shown their approval of the men who had carried it through, by elevating them even to this day to the highest offices in the State; one, at least, of our U. S. Senators was in favor of that act.

Mr. NORTHCOTT followed in opposition to the veto on

grounds similar to those expressed by those preceding him on the same side.

[Mr. NORTHCOTT said,[39] he did not believe that he could do justice to his feelings, or his constituents, without occupying the time of the committee, while he submitted a few remarks for their candid and deliberate consideration; and if an apology is necessary, mine is found in the vast importance of the question before us; a question that involves great principles, the wise or unwise settlement of which, will tell for weal or woe, during the existence of the instrument we are now framing.

We have provided for three separate and distinct branches of government—Legislative, Executive and Judicial. Correct principle and good policy alike dictate, that each of these bodies of magistracy, in the performance of their various duties, should be independent of each other. The Legislative department is constituted for the purpose of framing laws for the government and well being of society. The Judiciary, for the purpose of adjudicating upon, and expounding those laws: and the Executive, for the purpose of seeing them faithfully executed. Sir, it would be just as reasonable to declare that the judiciary should, under the new constitution, exercise a controlling influence over either of the other departments, as that the governor should control the legislature. Indeed, it would be equally correct in theory, and expedient in practice, to give the governor the right to veto the judgments and decisions of the supreme court, as to vest him with power to veto the acts of the general assembly.

The object of the veto power, say its advocates, is to prevent hasty legislation. Are there no hasty decisions of the supreme court? Are not individuals frequently injured by those decisions? Most certainly they are. Then, gentlemen to be consistent, should carry out the principle, and say to that body, "What you can do in accordance with the will of the governor, that do: thus far shalt thou go, and no farther." If a concurrence of two-thirds of the legislature be made necessary to pass a bill that could not obtain the Governor's sanction, it would give him complete control of the law-making power; it would become a pliant tool in his

[39] This speech by Northcott is taken from the *Sangamo Journal*, July 23.

hand to do his bidding; and, sir, we had just as well abolish it at once.

Mr. Chairman, I utterly deprecate the introduction of party discussion here; but such are the circumstances by which I am surrounded, that I cannot do justice to the subject without glancing at a few of the circumstances that make a part of our State and National history for a few years past. I might have been spared the painful task, had it not been for the very extraordinary speech delivered here on yesterday, by the gentleman from Fulton. He has hurled defiance at us. Mark his singular language: "I defy those on the other side to show a solitary instance where the veto power has been wielded to the injury of the country." Again, speaking of vetoes, he says:—"They have been invariably sustained by the American people." He has thrown down the gauntlet. I take it up. Sir, the pecuniary embarrassments of this State, past, present and future, are the legitimate results of the exercise of that power; I mean the vetoes of the chief magistrate of this confederacy. When called upon to sign a bill for the recharter of the United States Bank, he refused, and in his message to Congress giving his reasons for that refusal, recommended to the States the creation of State banks, and to the banks liberal discounts. This coming from such a source, from a man the highest in power, first in the hearts of the American people, a hero, a patriot and a statesman, carried with it immense weight. Accordingly banks sprung up, like mushroons during the sable shades of night, and scattered their promises to pay, thick as falling leaves of autumn.

Side by side with this bank veto, I will place another, similar in its character, and similar in its tendency, both of which worked conjointly to produce that overwhelming ruin, that came very near swallowing up our whole country in general, and Illinois in particular; I mean that of the Maysville road bill, in which the President recommended the States should construct their own works of internal improvement. That recommendation worked like magic, and the States, both old and new, weak and strong, indiscriminately, began these works with a vengeance. Magnificent schemes were planned and commenced; money was borrowed from abroad without stint, and paid to agents, contractors and

laborers, and from them it found its way into all the departments of business. This money, obtained by loans, and augmented by the issues of a thousand banks, all thrown into circulation at once,—all seeking profitable investment,—caused the sage to become visionary, the heretofore wise and prudent lost their caution and forethought, the nation became involved in debt,—States, corporations and individuals followed the example; the agricultural and manufacturing interests were neglected, and we, who should be able to feed the world, compelled to look to Europe for the means of subsistence. The balance of trade turned against us. Specie was demanded to make up the deficit. This caused a run on the banks for cash, deprived them of the means of redeeming their out-standing notes, which had been previously receivable for all government dues, and the "specie circular" was issued to save the government from loss; and this caused a further run on the banks, and they suspended specie payments. This created alarm all over the country, and spread consternation among our creditors abroad; no more money could be borrowed; the energies of our State, and of many other States, were completely paralyzed; and the people who were in 1832 progressing most speedily, and with the most apparent certainty in the acquisition of wealth, of fame and of happiness, in a short time were prostrated. The nation was scarcely able to redeem its plighted faith. States for a time, at least, driven to repudiation. Banks broke; individuals became insolvent, and their property sold at public outcry; credit was destroyed; confidence between man and man had given way to a spirit of distrust; ruin, like a stream of molten lava, had completely over-run the fair face of our lovely country; from Maine to Louisiana,—from our own blue lakes to the Gulf of Mexico,—all was a scene of desolation; scarcely was a green spot left on which the eye of the soul-stricken patriot could rest.

These are the financial evils resulting from these vetoes; and poor Illinois stands forth as a conspicuous witness of these assertions; the monument she has erected in memory of her fall is in the shape of a State debt of fifteen millions—the existence of which, I fear, will be co-equal with that of the pyramids of Egypt.

This veto was the commencement of an era in the executive history of this country.—Up to this period, moderation had char-

acterized the action of our chief magistrates; the balance of power had been preserved, and the co-ordinate departments had kept within their legitimate spheres. In the midst of the delusive and ephemeral prosperity that followed this assumption of executive responsibility, and the accompanying recommendations, the people were called upon to exercise the elective franchise, in the choice of a chief magistrate. The overwhelming majority he received, was taken by himself and friends as a direct approval of that act.

The opponents of the veto had prophesied convulsions and disasters, whilst its advocates sung the syren song of peace, lulling the fears of an unsuspecting people, and told of still better times ahead. This delusive state of things, and not the popularity of the veto, elected him for a second term.

But the Rubicon was crossed. The President held himself as the people's immediate representative, and should therefore control all departments of the government, and from that day to this, with the exception of one short month, "I take the responsibility" has been the motto of every President. That day proscription commenced, wholesale and retail, from custom house officer to the village post-master, all must make room for the favorites of the President; from that time Congress had to commence carving its work to suit the views of the executive, and when they have omitted to do it, the executive has interposed his fiat, and said, "it shall not be so." At one time, the President by repeated importunities received from Congress the Nation's purse; and while he held it meekly in one hand, reached out the other, and imploringly solicited the sword; the people's representatives answered, No. And at the then ensuing presidential election, the people, rising in their majestic might, answered in tones of thunder, "never." This was the death blow to executive usurpation. But it slumbered only for a time, it was galvanized in 1844, by the miracle working names of "Texas and Oregon;" in its galvanized state it has brought us into a war with a neighboring republic; now it moves, not as if guided by intellect, it exhibits but the convulsive throes of a galvanized corpse; and, sir, believe me or not, in the latter part of the year 1848, the people will, by the election of Gen. Taylor, bury it so deep, that Gabriel's trumpet will not cause it to twitch a single muscle.

The foregoing presents the great danger that our liberties are in from the veto power, as now wielded by the President; and in view of all these circumstances, who can say that vetoes are always right? And if productive of much evil, shall we engraft it in our new constitution? Shall we subject ourselves to the usurpation by one man, of such unlimited power, and enable him to defeat the popular will? I trust not, sir. Some gentlemen here, say that it is but a negative power; that it enacts nothing. Causes may arise in which it will have the same effect. Suppose a law to be unpopular and mischievous in its tendency—the people call loudly for its repeal—the majority of the legislature so determine; but Mr. Governor says, no;—by his will he prolongs the existence of a bad law. This, to a man of my humble capacities, looks like exercising legislative powers by indirection, and I think cannot be otherwise.

The gentleman from Schuyler says, "such powers should not be given to a president, but that the governor should have them by all means." Here is, I think, distinction without a difference; if the principle is correct both should have such authority; if wrong, as I think I have clearly shown both from fact and argument, neither. If a governor can prevent the enactment of good laws, and the repeal of evil ones, by that power, I say withhold it from him.

One other argument, Mr. Chairman, and I have done. The people know the candidate for governor by his previous acts; the candidates for the legislature they know personally—they converse with them familiarly face to face, about their wants; and is it to be expected that the governor, shut up in the city of Springfield, or in New York city acting as fund commissioner, can know the views, the feelings, the wants and the interests of the people of whom he has never seen one in ten far better than their immediate representatives fresh from among them? Sir, the idea is preposterous. I hope the amendment offered by the gentleman from Sangamon will prevail.]

Mr. DAVIS of Massac proposed to submit a few remarks for the consideration of the committee, in answer to the extraordinary arguments advanced by a gentleman on the other side of the ques-

tion.—The gentleman from Hardin, in his remarks the other day, set out by saying that the veto power ought not to be exercised in a republic; that it was a concomitant of monarchy. And the gentleman from Greene, if I understood him, declared in his place to-day, that the power should not be exercised under a government such as ours; and I understood the gentleman who has just resumed his seat to declare that much, nay, almost all, of the evils of which we have had to complain for the last ten or fifteen years, have resulted from the exercise of the veto power. Sir, I am at a loss to know to what part of our national history gentlemen will go to support the assertions which they have made on this occasion. Sir, if it be the exercise of a power closely allied to monarchy, if it be drawn from the mother country from which we have drawn most of our notions of government, and if experience has demonstrated, as I think it has, that its exercise has tended to promote the interests of the whole country, it seems to me that gentlemen have stepped very far out of their proper sphere when they have denounced the advocates of the power as favorites and supporters of monarchy. Will they pretend to say that Washington, the first man who exercised the power in our national government, was an advocate of monarchy, or of any thing that savored of despotism? Will they say that the great and good Madison was an advocate of monarchy? I trust that gentlemen do not mean to asperse the memories of those illustrious men in such a manner. In my opinion the exercise of the veto power, upon proper occasions, is one of the most essential and important objects that can be secured. It is, it may well be said, indispensable to check hasty and inconsiderate legislation; and if we go back over the whole history of legislation we will find that the exertion of this power has on no occasion been condemned, or even disapproved of by the people. It has been said, however, that if the power is invested in the Governor at all, it should be only a majority power; that it should only require a majority to pass the law notwithstanding the veto. I ask what benefit could result to the legislation of the country from the exercise of the veto power, if a bare majority can come in and pass a law over the veto. What benefit could result to the legislation of the country when a majority, incensed perhaps by the exercise of the

veto power, may enact the law notwithstanding the veto. Members of the Legislature, instead of being conciliated by the arguments contained in the veto message, will naturally be the more strongly set in their opinions than before; they will be the more firmly fixed in their determination to pass the law, in consequence of the veto. Every man has a certain pride of opinion, and dislikes very much to be driven from a position which he has taken; he will not be willing to renounce the opinions he has once expressed, although the arguments contained in the veto message may be sufficient to convince any unprejudiced mind. He is not willing to recede from the position he has assumed and admit that he was wrong. No, sir, that pride of opinion which every man has to a greater or less extent, will induce him to adhere to that position, and instead of conciliating, instead of gaining any thing, the executive will lose everything. But the gentleman from Greene tells us that there is no necessity for the exertion of this power in this state, after the legislative power shall have been narrowed down, as it will be, to almost nothing. And one argument made use of by the honorable gentleman is, that two dollars per day being the pay of members of the Legislature, it is, consequently, to be presumed that they will not do wrong. Sir, this is, in my judgment, the strongest argument that can be made. Two dollars being the per diem of members, we are, consequently, to have good and enlightened legislation. I confess, Mr. President, that I should be inclined to apprehend the contrary. No, sir, it will ensure entrance into your legislative halls hereafter of men who have not the capacity for legislation, and who cannot be controlled by any power whatever. This, then, instead of being an argument in favor of the gentleman's position, is the most potent argument for extending the exercise to the utmost extent which its advocates desire. But, says the gentleman from Greene, "it is contrary to the genius of our institutions to place the Executive over the heads of the people, by giving him such a power as this." Let me tell the gentleman, that it is not the disposition of the advocates of the veto power, to place the Executive over the heads of the people, but it is the disposition of those who advocate the exercise of the veto power, to enable the Governor, who is the representative of the whole people, to control the acts of their

dishonest agents, for all experience has shown that, however honest and upright the representatives of the people for the most part are, bad men will sometimes find their way into legislative assemblies. It is not a restraint upon the people, but is a restraint upon the public agents of the people. It is not intended to control the people, for the people are not here, as in a pure democracy, in person; they are here by their representatives, and it sometimes turns out that the representatives are not the true exponents of their wishes. There are districts represented in this Convention by individuals who do not know the wishes of the people, or who, if they do know the public sentiment in their districts, do not truly represent that public sentiment. This will ever be the case, and the exertion of the veto power is necessary for that very reason. Then, in the mode of conducting the elections, it sometimes turns out that we cannot secure the return of such men as will carry out the real wishes of the people.

But, sir, it is said, because the Legislature will be limited in the duration of its sessions, therefore there is no necessity for the exercise of this power. Sir, this very reason constitutes, to my mind, an argument for its exercise. For, if you limit the Legislature to short sessions, the business will necessarily be hurried; the inevitable result will be the most hasty and inconsiderate legislation. Let this matter, then, rest with the Executive, who can look calmly and deliberately upon the acts of the legislature, and view them in all their phases and aspects; and if he be the faithful representative of the people—if he be an upright public servant—he will bring his honest heart and intelligent understanding to the correction of the abuses which hasty and inconsiderate legislation would occasion. Have we not all witnessed the haste with which bill after bill, and act after act, have been passed into laws about the period of the winding up of the business of the session of the Legislature? Very few members are able to know what provisions are contained in those acts; if they happened to be wise ones, it is merely a fortunate accident, and if they happened to be unwise, it is nothing more than we had reason to expect. But, sir, one gentleman has gone into the history of the currency of the country; he has spoken of the veto of the venerated chief whose spirit has returned to the God who gave it. He has brought this

matter into the arena. Sir, I shall not enter into a party discussion in this Convention, unless compelled to do so in self defence, and I trust there will be no compulsion. But, sir, it is said, that it is not necessary in a state government as in the federal government that this power should be exercised. I should be glad if any gentleman would tell me why it is not necessary to be sometimes exercised in a state government. Is it to be presumed that the representatives of the people of this state are endowed with more wisdom and intelligence than the representatives of the people in the national legislature? Is it to be presumed that there will be less of hasty legislation in a state legislature, than in the national legislature. I think not, and I think very few will disagree with me when it is considered that the Senate of the United States is composed of the wisest men in this confederacy, they constitute a check upon the hasty legislation of the popular branch, just as the veto of the President constitutes a check upon both. The Senate is a check upon the House of Representatives, and *e converso*, but all experience has shown that these checks, wholesome as they are, great as they are, are not sufficient to restrain men in the enactment of injurious laws. All experience has shown that something more is needed, and that is the placing in the hands of the executive, the power to arrest unwise and unwholesome exactments, before they inflict upon the country, the irremediable evil of their blighting influences. I have, perhaps, sir, detained the committee as long as I ought to do; I trust that if either of the propositions to amend should prevail, it will be that of the gentleman from Schuyler. I would prefer two-thirds as being better than three-fifths, but if I can get no better proposition than that of the gentleman from Schuyler, I shall, when the vote is taken, avail myself of it, for I believe that the exercise of the veto power is essential in order that the state of Illinois, peculiarly blessed as she may be, if governed by wise councils, may not see her prospects blighted by unwise legislation, but may hereafter shine forth as the brightest star in the constellation states.

Mr. ARCHER said, that although this question had already been discussed, and he had intended to have said nothing upon it, yet he felt constrained, after what had been said by those who opposed the introduction into the constitution, to present his views,

as it was one upon which the people of the part of the state he represented felt great interest in, and he considered it a duty due to himself and them to lay those views before the committee. He was in favor of the section reported by the committee, as amended by the gentleman from McLean, which then, he believed, would be in the same words that were used in the constitution of the United States. He believed the veto to be the great and salutary conservative power of all governments, and that Illinois should be the last state, after the experience of the past, to give it up. Have we not had enough of unwise, hasty and improvident legislation to point out to us the necessity and importance of guarding against it for the future? Out of such legislation had grown the internal improvement acts, which had blasted the prosperity and hopes of the young state, and raised up a debt which our grand children will never see the day of its payment. We should never abandon the only sure and constitutional mode of preventing a recurrence of such things, and this veto power was the most saving power to accomplish that end. It had well been said by the gentleman from Massac, that Illinois was a state which had been blessed by Heaven, but cursed by legislation, and our people should be jealous of any attempt to wrest from the constitution this mode of checking it for all time to come. Gentlemen have said that this is a legislative power conferred upon the Governor, enabling him to legislate for the state in opposition to the will of their representatives; it is not a positive power, it is only conferring upon him, who is the representative of the whole people, the power of checking such legislation as may be deemed unwise, hasty or unconstitutional. Is this legislative? It i[s], as I said before, not a positive, but simply a negative power to check what may be considered wrong. And what other power have we left the Governor of this state? We have left him the power of granting pardons and reprieves, and the veto; this last it is now proposed to take away, and what I ask do gentlemen desire him to be? Do they want to see the man chosen by the people of the state to be their Governor made the tool of the Legislature, to do whatever they may desire, to carry out what they may choose to enact, no matter what his opinion may be? Do they want him to occupy the chair of state, and look on at their pro-

ceedings and see the most unwise, corrupt and unconstitutional legislation without the power to interpose an objection, or stretch forth his hand to save? If this power be denied, then again will we have all the evils of over legislation, by combination and corruption. A man comes to the Legislature, we will say from Pike, or Hardin, or Massac, who has some local measure which he is anxious to have passed, one which may be of no sort of benefit to the state, but merely desired by that member and a few friends at home. He comes upon the floor of the House of Representatives and there meets with other member[s] who have similar designs to carry out, not one of which could be passed alone, but by a system of combination and log-rolling they succeed in obtaining its passage—the passage of them all. In such a case as this—no improbable one, if we judge by what has been said by old members of the Legislature on this floor, to whom do the people look for protection against all the evils of this local legislation? They look, sir, to the Governor. They call upon him to avert the evil by the interposition of the power they have vested in him. They say to him, our representatives have become corrupt, they have betrayed the trusts we have reposed in them, they are about to bring upon us the accumulated evils of local legislation, and we look to you, as the representative of the whole people of the state, and of all its great interests, to check it by your constitutional power. Much has been said about "one man power." There is attached to the exercise of this power by one man a responsibility which is not felt by legislatures? If the Governor permits a bill to become a law which is wrong and unconstitutional, the whole responsibility of such an act rests upon his head, and there only. He is the person responsible to the people for such an act—upon him it falls entirely. But how different when the Legislature may pass an act of this kind, for what is the responsibility when divided among one hundred men? No one of them feels, nor will take, nor can it be placed upon him, the responsibility for such a violation of the duty they owed to the people. "One man power!" is the cry. They desire that no *one man* shall have this power. It is, say they, a "one man power" arrayed against the representatives of the people. Why have a Governor at all? Why have the executive power of the state

vested in "one man?" Why, if this power is so dangerous in the hands of "one man," do you leave with him the right, by the authority of his office, after the judiciary department of the state have tried and condemned a man for a violation of the laws, to interpose, to pardon that man and arrest the judicial proceedings? The same argument will apply in this case against the exercise of a "one man power," as it will in the exercise of the veto upon the proceedings of the other department. It has been asked why change the old constitution? I tell the gentlemen because the innumerable evils of the past, which this power might have prevented, call loudly for the change. The people of the state look anxiously for it; the people of the county I represent demand the adoption of the veto power in the hands of the Governor. Of this I have no doubt, for I am sure I reflect their sentiments when I say it should be adopted.

The gentleman from Menard has deprecated the introduction of party feeling in this Convention. Though I am a party man, warm and ardent in my feelings and opinions upon all party subjects, I agree with him that they should not be introduced here; and I regretted very much, when the gentleman from Hardin (Mr. McCallen) declared that he would review the history of the country regardless of what feelings it might stir up here. I then thought, and I do now, that that was a most unfortunate remark. It was one calculated to raise party feeling and excitement here, and to draw out replies in the same spirit; but I have said I was opposed to it and I will not allude further to his remarks. I will only say that the people have passed upon all the acts of the exercise of the veto power, and that in the case where the Bank of the United States was put down by the veto upon its charter was most signally and triumphantly sustained by the people in the election of Mr. Van Buren—thus showing that they regarded its exercise as one intended for the benefit and prosperity of the whole people.

In conclusion, he said that he would vote, when they would be called upon in convention, for the retention of the whole veto power; that now if he could not get two-thirds he would vote for three-fifths, for, in his opinion, the simple majority of the members elect, was nothing more than no veto at all.

Mr. GRAHAM made some remarks in opposition to the veto power, which our limits will not permit us to give.

Mr. SINGLETON was in favor of the Legislature having the power to pass what laws they should think proper, independent of the sanction of a Governor; but from the vote taken yesterday he thought that the Convention had decided that the veto power was to be retained. If this was to be the case, he would vote for the three-fifths, because he believed that was the best he could get, and as a matter of compromise. This was a party question and one which he had not discussed before his constituents, and he was willing to compromise between two-thirds and a majority, by voting three-fifths. He had never compromised upon any political or party question in his life, but upon this, as he did not know exactly what the sentiments of his people were, he thought something was due to them, and therefore he would vote for the three-fifths, as in that case the evil would be presented in its least objectionable shape. He believed the majority rule the proper one, but he would not, for the reasons given, vote for it now. He thought the veto gave the Governor a power and an influence upon the representatives of the people which he should not possess. It made him equal to forty-nine members of the House of Representatives.

Mr. GREGG said, that he did not intend to have said anything upon this subject, but he desired, as the matter was to be discussed, to express his views upon the subject.

He was one of those who believed that the veto power cannot be abandoned without causing great danger to the liberties of the people, and producing a fatal tendency to the destruction of our institutions and government. What was it. Is it the black and hideous bug-bear that is held up to our view, as one conferring upon the Governor legislative power? No sir, it is not. The veto confers no legislative power upon the party holding it; it is not a positive power, it is but a negative one. It is simply the power to negative for a time the action of the Legislature when it is deemed rash, hasty or unconstitutional. This was but a principle of our government. Our government is one of checks and balances, and this is one of those checks. If we abandon them and let the government go without these checks and

balances, it would fast run it to ruin and destruction for want of the proper means to preserve its several departments, to preserve their independence and proper functions. He was in favor of keeping those checks and restrictions upon each department of the government by the other, which were first introduced by the framers of the constitution of the United States to preserve the government, and this veto power was one which in their wisdom they had incorporated in that constitution.

He had heard much said of the one man power, and of its power and influence over the representatives of the people. There was to his mind, nothing in a qualified veto power calculated to grind down the liberties of or to oppress the people, but he thought it one solely intended to check and drive back those destructive evils and dangers of misguided and uncontrolled legislation. The evils of an oligarchy were, in his opinion, far more dangerous and destructive to the liberties of the people than was the exercise of this one man power. All history shows it, all history proclaims it in tones that cannot be misunderstood, that the evils of an oligarchy have been the most dangerous and destructive. An abuse of power by one man is not so bad as when it is the act of a body of men, in that case you have the man, you have something tangible which you can hold to the responsibility of the act, and he can be punished for that act; but how will you hold any to the responsibility where one hundred individuals share and divide that responsibility? If one man commit any act, it can be more easily traced, and he can be held to more strict accountability than where that responsibility is shared with ninety-nine others. He would ask the gentleman is not the Governor of the state the representative of the people, of the whole people, and in whom all sovereignty resides? Is he not their agent who sits in the executive chair to carry out the authority delegated to him? He was as much their representative as the members of the Legislature who assemble in this hall, and more so; for they are elected and were the representatives of local matters and local influence; they owe their election to county lines and sectional interests, but the Governor was elected by the whole people to represent the general interests of the state, to represent the sovereignty of her power, and to administer the government for the general welfare.

Here were two representative powers, each drawing their power from the people, set up to check each other. It was a mistaken view of our system of government that the Legislature is the sole representative of the people; the Governor was also their representative. He could see no danger in giving the Governor the power to watch over the actions of the Legislature, and to guard the interests of the state from the corruption which might obtain ascendency in that department. Gentlemen have undertaken to argue that the veto power is a restriction upon the people and in its effect it is anti-republican. He had never considered it in that light nor had the people themselves, for we have all seen, as it has been truly said, that every exercise of it in the national government has been prudent, wise and good for the common welfare. From the time when Washington and Madison exercised this power down to the present time, the people have sustained them; although there may be difference of opinion on some of them, and he himself might, upon one of them entertain different views than those entertained by the President, still the exercise of the former and the principle on which it was based had universally been sustained. When the responsibility of the act rests upon a single individual, so long will the people have no cause to complain of its exercise.

He would vote for the three-fifths, as proposed by the gentleman from Schuyler, because he had now no opportunity of voting for the two-thirds which had been stricken out. But when the section came before the Convention, he would vote for its adoption as reported by the committee on the Executive Department. He would also vote to reconsider the vote by which that number had been stricken out. He hoped that vote would be reconsidered and "two-thirds" replaced in the section.

Mr. MINSHALL replied at some length to the argument of the gentleman from Greene (Mr. WOODSON) and urged that the remarks of that gentleman and the authorities cited by him had shown that there was more necessity for the constitutional veto to be vested in the Governor of a state than in the President of the United States. The great and iniquitous evils of unrestricted, wild and ruinous local legislation, did not exist to such a dangerous extent in the national legislature as in the states.

He pursued the subject for some considerable time.

Mr. SCATES addressed the committee in favor of the veto power, and in advocacy of the "two-thirds" proposal.

Mr. HAYES said, that he had no desire to prolong the discussion but before the question was taken he wished to say a few words upon this subject. He was one who believed that the rights and interests of the people were as much represented in the person of the Governor of this state, as in the Legislature, or in this body. This is the ground he had ever taken on this question and upon all others, and he had seen no resaon to abandon it. He differed from the gentleman who had denounced this veto power with so much warmth; he could not see in it the horrid spectre of monarchial misrule, nor see the iron rule of despotism, nor one man ruling with an iron hand over the rights, liberties and destinies of the people. He could see nothing of this kind as the result of the veto power. It was true that if you took away the right of government and gave it to one man to the exclusion of all others—it would be tyranny; if you gave to one man all power, and allowed no appeal, he admitted that that would be tyranny; or if you gave to him the sole power of enacting laws, this would be tyranny. But he did not think that this power of a constitutional qualified veto was any more than a temporary restriction upon legislation; the Governor who exercises it neither enacts nor defeats a law, his veto merely postpones its passage, and delays for a while the action of the Legislature. The Legislature meets here and passes an act which the Governor does not, looking at it in no sectional nor local point of view, think should become a law; he vetoes it, and the subject goes back to the Legislature and from them, if it fails to be passed again, to the people and they decide upon it at the next election. In such a case there is an issue between the executive and the legislative departments, but where is it tried? If the Governor had the sole power of deciding that issue then that power might become tyranny; but it is not so, he has not the decision of the question, it goes back to the source whence both parties derive their power—the people. He could see no danger in a power so conservative as this.

He had heard since he had been here the greatest outcries against past legislatures; he had heard them denounced as wanting in integrity and regard for the people's interests; they had been

termed nuisances, and yet he was astonished, greatly surprised, to hear the same men who had been loudest in their denunciations, object to the most wholesome restriction upon the actions of such bodies. He wished not to introduce any party feeling or party spirit into this discussion, or upon any question which might come before the Convention, he had avoided it heretofore and would for the future; but the gentleman from Clinton (Mr. BOND) had said the adoption of the veto power, and the vesting of it in the Governor presupposed that officer to be no ninny. Now, he knew not the sense in which the gentleman intended to be understood, when he made that remark, but for one, he, (Mr. H.) would say, that as far as the present Governor of Illinois was concerned, it would not be applicable, if intended as a sneer; nor did he, so far as his acquaintance extended, [know] of any other person who had occupied that post, who was not fully competent to perform its duties.

Mr. BOND disclaimed any intention in what he had said, of reflecting upon the present Governor of the state, of whom he had a high opinion.

Mr. HAYES said, that he would say no more upon the subject, he had attained his object, which was to draw forth from the gentleman the disclaimer he had just made. In conclusion he hoped that the "majority" would not be adopted as it rendered the veto of little avail; but hoped that the amendment, "three-fifths," would succeed.

Mr. GREEN of Tazewell expressed himself in favor of the "three-fifths," as a concession.

And the question being taken on inserting "three-fifths," it was decided in the affirmative—yeas, 85, nays, not counted.

Mr. BROCKMAN moved the committee rise; and the committee rose and asked leave to sit again. Granted.

And the Convention adjourned till 3 P. M.

AFTERNOON

The Convention resolved itself into committee of the whole—Mr. CRAIN in the chair—and took up section 21.

SEC. 21. The Governor shall nominate and, by and with the advice of the Senate, appoint a Secretary of State, who shall keep

a fair register of the official acts of the Governor, and, when required, shall lay the same and all papers, minutes, and vouchers relative thereto, before either branch of the General Assembly; and shall perform such other duties as shall be assigned him by law.

Mr. HOGUE moved to strike out "shall be appointed by the Governor."

Mr. JONES moved to strike out the whole section.

Messrs. THOMAS, VANCE, LOCKWOOD, KITCHELL, and PETERS, advocated the adoption of the section in the shape as reported; they thought that the Secretary of State was the confidential and constitutional adviser of the Governor, and that it was of the utmost importance that he be a friend of and chosen by the Governor. Many cases were daily occurring where the necessity of this was fully demonstrated. They also argued that the act of election implied representation, and asked what interest was represented by the Secretary of State. They considered the office of no sort of interest to the people, and that it was only of importance to the Governor, who would often have occasion to consult and deliberate with him upon points of constitutional law, which, perhaps, that Governor might not be familiar with.

Messrs. GREGG and LOUDON advocated the motion to strike out, and a provision to be inserted that the Secretary of State should be elected by the people. They repelled the argument that this officer was the constitutional and legal adviser of the Governor, by urging that that function was properly belonging to the Attorney General. They contended that the people were as competent and as likely to select a proper and suitable person to fill that office as they were any other in the government.

The question was then taken on the motion of Mr. HOGUE, and was lost.

Mr. CONSTABLE moved to insert, after the words "Secretary of State:" "whose term of office shall expire with the office of Governor, by whom he shall have been nominated, and to hold the office till his successor is appointed and qualified."

And the vote thereon resulted—yeas 51, nays 50; no quorum voting.

Mr. THOMAS opposed the amendment as insufficient and inexplicit and hoped it would be voted down, in order to have one,

drawn with great care by the chairman of the committee, presented for their adoption.

Mr. CONSTABLE said, opposition to some propositions was often made in consequence of the source whence they came. The amendment he had presented, which had been opposed as insufficient was the one which had been drawn with great care by the chairman of the committee, who had requested him to offer it. He would not press it, but would withdraw it.

Mr. DAWSON moved to strike out "the" at the beginning of section, and insert "each."—Adopted.

Mr. DAVIS of Montgomery moved to add to the section: "and shall receive as his compensation $600 per annum." Rejected—yeas 38.

Mr. BOSBYSHELL moved to insert: "whose salary shall be $1000 per annum;" which was rejected.

Mr. MARSHALL of Mason moved to insert: "who shall hold his office for the same time as Governor, and receive $800 per annum."

Mr. LOGAN offered, as a substitute, the amendment withdrawn by Mr. CONSTABLE; which was adopted.

Mr. KENNER moved to make the salary $700 per annum; which was rejected. Several amendments of small importance were offered and almost unanimously rejected. The question was taken on striking out, and decided in the negative—yeas 48, nays 69.

Mr. SIBLEY moved, that the salary be $800 per annum.

Mr. DAVIS of Montgomery offered, as amendment, "that the Governor shall have power to remove the Secretary from office, when, in his opinion, the public interests require it;" which was adopted, and then the amendment of Mr. S. was carried.

Sections 22 and 23, the last of the report, were adopted, after slight amendments.

Mr. MARKLEY called up his motion to reconsider the vote by which the 4th section had been amended, so as to require a citizenship of fourteen years to be elected Governor, and the committee refused to reconsider—yeas 48, nays not counted.

The 5th section, which had been passed over informally, was taken up, and the question pending was the substitute therefor, as amended.

Mr. LOGAN moved to strike out "and shall act as fund commissioner." Carried. And then the substitute was adopted.

On motion, the committee rose and reported back the article in relation to the Executive Department; which was laid on the table, and 200 copies ordered to be printed as amended. And then, on motion the Convention adjourned.

XXXIII. MONDAY, JULY 19, 1847

Prayer by Rev. Mr. HALE.

Mr. ROBBINS presented a petition from citizens of Randolph county, praying that some provision may be adopted, exempting a homestead from execution. Referred to the committee on Law Reform.

Mr. PALMER of Marshall, by leave, offered a resolution that this convention adjourn on Saturday next, to meet again on the 1st Monday of November next, and after some remarks, the same was rejected. Yeas 13.

Mr. DAVIS of Massac, from the committee on Elections, and the right of suffrage, made a report, which was read, laid on the table, and 200 copies ordered to be printed.

Mr. Z. CASEY moved to suspend the rules to take up a resolution offered by him some days ago, providing that this Convention adjourn *sine die* on the 31st inst. After a short debate, the motion to suspend the rules was rejected. Yeas 62, nays 82.

Mr. BROWN rose and moved that the rules be suspended to enable him to present a preamble and some resolutions. He said that he had received a letter from Alton, which informed him that the remains of Lieutenants FLETCHER, ROBBINS, and FERGUSON, who had gallantly fought, and gloriously fallen in the service of their country, had arrived at that place, and would be interred on Wednesday. He had been requested to extend an invitation to the Convention to attend the funeral ceremonies, but he was aware that some time had already been lost by the visit for a similar purpose to Jacksonville, and that there were many in the Convention who regretted the time thus lost, thinking that the Convention might have appointed a committee to represent them at that celebration, and as the time which it would occupy to go to Alton would be much greater than that to Jacksonville, in consequence of the difference in the distance, he had therefore prepared the following preamble and resolutions:

The following letter was then read:

ALTON, July 16th, 1847.

Geo. T. Brown, esq.,

DEAR SIR: - I am requested by my fellow citizens, to ask you, as Mayor of the city of Alton, to extend to the members of the constitutional Convention of Illinois, an invitation to participate with them on Wednesday next, (the 21st inst.,) at 2 P. M., in the ceremonies attendant upon the burial of the remains of our brave Lieutenants, FLETCHER, FERGUSON and ROBBINS, of the Alton Guards, 2d Regiment Illinois Volunteers, who fell upon the battle field of Buena Vista, nobly sustaining the honor of their state and country.

I am with respect,
Your obedient servant,
E. KEATING, Chief Marshal.

The rules were unanimously suspended and Mr. BROWN presented the following, which were unanimously adopted:

WHEREAS, This Convention has just been informed that the bodies of Lieutenants EDWARD F. FLETCHER, LAURISTON ROBBINS and RODNEY FERGUSON, of the "Alton Guards," second regiment Illinois volunteers, who fell upon the bloody field of Buena Vista, while nobly sustaining the honor of their country, have reached Alton, and that they will be interred in that city on Wednesday, the 21st inst., with funeral honors; and whereas, this Convention, believing that it is right and proper for them to commemorate the noble and patriotic deeds and virtues of those who have so gloriously fallen in the service of their country; be it therefore

Resolved, That this Convention deeply sympathize with the families and friends of the lamented FLETCHER, ROBBINS and FERGUSON, who have been so suddenly cut down in the vigor of youth, and whose noble deeds on the bloody field of Buena Vista have enshrined their memories in the affections of the nation and placed their names on the page of its history.

Resolved, That this Convention, for the purpose of honoring the lamented dead, will join in the celebration of their funeral ceremonies.

Resolved, That a committee of nine be appointed to represent this Convention in the funeral ceremonies aforesaid.

Resolved, That copies of the foregoing preamble and resolutions, signed by the President and Secretary, be transmitted by the Secretary to the families of the deceased FLETCHER, ROBBINS and FERGUSON.

Messrs. BROWN, SINGLETON, SMITH of Gallatin, CONSTABLE, PRATT, WOODSON, MCCALLEN, COLBY and HOGUE, were appointed the committee under the above resolutions, to represent the Convention at the funeral ceremonies.

Mr. WEAD moved that the Convention resolve itself into committee of the whole, to take up the report of the committee on the Judiciary Department, and the Convention resolved itself into committee of the whole. Mr. SCATES in the chair. After some discussion as to the proper mode of proceeding with the three reports, the committee took up the first section of the majority report:

SEC. 1. The judicial power of this State, shall be vested in one supreme court, in circuit courts, and such inferior courts as the legislature shall, from time to time ordain and establish.

Mr. LOGAN moved to insert in the section "county courts."

Mr. JENKINS moved to strike out all after "circuit courts" and insert "and such other courts as may be established by this constitution."

Mr. LOGAN accepted this amendment to be added to his.

Mr. DAVIS of McLean was opposed to leaving with the Legislature the power to establish innumerable municipal courts throughout the State, as would be the case if the section were to remain in its present shape, and advocated the adoption of the amendment of Mr. JENKINS, which, while it established the principle and system of our judiciary it allowed the Legislature to create as many circuit courts as the necessities of population and interests of the people demanded.

Mr. HARVEY did not agree with the gentlemen in fixing the number of the courts in the constitution. It was impossible at the present time to foresee what the interests and population of the state hereafter would require; and was opposed to tying the hands of the legislature from establishing such courts, with such powers and jurisdiction as may be required by those interests and the increase of population.

Mr. FARWELL was opposed to the amendment of the gentleman from Jackson. He thought it out of the question and did not think that any one here believed that this Convention could adopt any system that would be perfect in all its details, and could see no propriety in our tying the hands of the Legislature from altering or changing or adopting that system to meet the great growing interests and wants of the people. A supreme court was necessary under all circumstances, and so were circuit courts, and it was well to provide that they should be established, but he did not think that the number of circuit courts should be unalterably fixed. It was indispensable that these two courts should be provided for in the constitution; but not so with the inferior or minor courts. He was opposed to any constitutional provision defining the number and character of all the courts that may be required by the changes of society, and of the business and interests of the people. The smaller and inferior tribunals of the state affected to the greatest extent the interests of society, and the Legislature should be left full power to establish such courts, or to change and alter their power and jurisdiction to meet the changes that were daily taking place in the business and feelings of the people. We might be able to adopt a system that would suit the interests and population of the state at the present time; but it was impossible for us to adopt any system that would suit ten years hereafter.

Mr. SINGLETON advocated the adoption of the amendment of the gentleman from Jackson. He was in favor of fixing in the constitution a system of our judiciary department, and the character and jurisdiction of the courts, but would leave with the Legislature a power to increase the number of the circuit courts to meet the exigencies of the increased population of the state.

Mr. PETERS said, he approached this subject with some tremulousness; he had looked forward to the day when the report of the Judiciary committee would come before them for discussion, with fear and trembling. The judiciary was the most important department of the government. While it was the most important and powerful in its influence and effect upon the rights, property and liberties of individuals, it was the least powerful in defending itself from the encroachments of the other branches of the govern-

ment and from the opposition of popular excitement; it was the least powerful of any branch of the government when attacked by the Legislature or the popular clamor. And it was our duty, in justice to its importance and the want of power, to defend itself, to fix in the constitution a provision that will place the higher courts above the power and influence and control of the Legislature. The history of the judiciary throughout the country shows, that in no single state has it escaped from the effects of a feverish excitement against the higher judicial tribunals, which in many instances had forced them to submit to popular clamor and legislative control. This fact was known to all, and he called upon gentlemen to place at least the highest courts of the state above all these influences, and then the people, in case the inferior tribunals of the country do them injustice, will always have one tribunal to protect their rights, property and liberties, and one conservative power on which they can depend. If these higher tribunals be thus elevated above all influences, we might leave with safety, to the Legislature, a power to regulate the inferior courts to conform to the interests, and, if you pleased, to the wishes of the people. He was opposed to granting the Legislature the power to increase the number of the circuit courts of the state. If there was danger in allowing that department power to establish inferior courts how much more was the danger in giving them the power to fritter away the power of the circuit courts by increasing their number to as many as there are counties in the state. Mr. P. read a proposition which he had drawn up—which gave the Legislature power to create, establish and destroy the inferior courts—at the will and desire of the people, and secured the higher and superior courts from any change by legislative action.

Mr. DAVIS of Montgomery was in favor of the amendment. He thought we should establish in the constitution the system and jursidiction of our judiciary, and leave with the Legislature no power but to increase the number of circuit courts.

Messrs. MINSHALL and KINNEY of Bureau were in favor of the section as it was reported by the committee.

Mr. GREGG said, that in the amendment he saw one objection to it which he desired to point out to the Convention. If it should be adopted it would prohibit the creation of any municipal

courts in the cities; and in his opinion the time would come when such courts would be absolutely necessary in our cities. In the city of Chicago, which was increasing so rapidly, the time would soon come, if it had not already arrived, when such a court—independently of the county courts—would be necessary to preserve order and obedience to the laws. He thought that the Convention should take this matter into consideration, and hoped that some provision would be made either by an amendment to the amendment, or by a rejection of it, and thus leave the subject open for legislative action. Let the Legislature, when the time shall come, that the population will require it, establish such courts in Chicago, Peoria, Alton and Galena.

Mr. LOGAN said, to meet the views of the gentleman, he would modify his amendment by adding to it: "Provided, that the Legislature may establish in cities having a population over —— thousand, such tribunal[s] as may be necessary, having police jurisdiction in cases less than felony."

Mr. SHERMAN expressed similar views to those of his colleague, Mr. GREGG.

Mr. CAMPBELL of Jo Daviess, was of opinion that, although the amendment of the gentleman from Sangamon went further than it did before the modification of it, still it did not go far enough. The section even as amended placed an absolute restriction upon the Legislature, from providing such tribunals as the people may hereafter require, when the interests and population of the state shall be increased. He agreed with the member who had said that we are restricting too much, carrying our restrictions too far, and should be careful that we did not earn for our constitution the soubriquet of a constitution of restrictions. This was not proper. We should not follow this course. We should allow something for future legislation. If we pursued the course of restriction that seemed such a favorite course with gentlemen, where will it lead us? It will, if carried out, lead us to forge chains of iron to be placed upon the members of the General Assembly whenever they meet, to prevent them rushing, the moment they arrive here, into the treasury and robbing it. There had been something said respecting a court which had been established in Alton and then abolished, of that he knew nothing; but he

would refer them to the tribunals that had been established at Chicago and Galena, which the actual necessity of their creation compelled the Legislature to establish. Before they were established it was often eighteen months before the people could obtain a judgment on a suit, and we had to resort to the United States district court, our dockets were crowded, our jails were full, justice was delayed and men were denied a speedy trial, a right secured to them by the constitution of the United States. The people, unable to remain thus, came to the Legislature, and had these tribunals created to meet the exigencies, under that provision of the constitution which it is proposed by these amendments to have stricken out. This was the same case in Galena; necessity compelled her to have these courts established there, which if no power had been given to the Legislature to create, we would have had to wait till the constitution had been changed. And now, are they to be taken away from us. Look at St. Louis. There they have their circuit and city courts, a court of common pleas, their recorder's and a criminal court, all springing up as the city grew in interest and population, and established as the exigencies of the people required them. No complaint was ever heard against them; no complaint that they had abused their powers. Look at Chicago and see what she will be some years hence; look at her fast increasing population, commerce and business interests of every kind: here too is Galena stretching her Biarean arms over her hills, and reaching far up her vallies [*sic*], fast rising into importance, and interest, and will you tell them these courts, specified in this section, are sufficient for the administration of your present judicial affairs, and the constitution shall deny you for all time to come, any change or increase, no matter how large in population or influential in trade and commerce you may hereafter become. He would desire to say more upon this subject, but his health would not at this moment permit him, as it was with difficulty he had spoken at all.

Mr. DAVIS of McLean replied to the gentleman from Cook and Jo Daviess. He said the necessity of the courts they had spoken of was the result of a want of the provision now proposed, in the old constitution. In 1840 the Legislature abolished the circuit court system and compelled the supreme court to do circuit

duty. These judges were unable to perform the laborious tasks assigned them and the business was undisposed of. Then arose the necessity of these smaller courts. But under the present section the number of circuit courts may be increased and Chicago and Galena can have each a circuit court to itself. This in his opinion obviated the difficulty urged by the gentleman.

The question was divided and first taken on the provision offered by Mr. LOGAN, and it was rejected—then on striking out, and decided in the affirmative; then on inserting "county courts," which was carried; and then adding the amendment of Mr. JENKINS, which was also carried.

Mr. CHURCH moved to insert after "county courts,"—"and probate courts."

On motion, the committee rose and the Convention adjourned till 3 P. M.

AFTERNOON

The Convention resolved itself into committee of the whole and resumed the consideration of the report of the Judiciary committee. The question pending was on the motion to insert "probate courts;" and being taken, resulted—yeas 29, nays 42—no quorum voting.

Mr. HENDERSON suggested that the committee had expressed their intention to give the circuit courts probate jurisdiction, and therefore, it was unnecessary to insert this amendment.

And the question being taken again resulted—yeas 31, nays 64—no quorum voting.

The committee rose and reported that fact to the Convention, and a call was ordered; after some time spent in the call a quorum appeared, and the committee resumed its sitting.

And the question being taken on the amendment, it was rejected.

Mr. DAVIS, of Massac, moved to strike out the section and insert "The judicial power of this state shall be vested in one supreme court, in circuit courts, in justices of the peace, and in such other courts as the Legislature may, from time to time, establish."

And the question being taken thereon, it was rejected—yeas 49, nays 64.

SEC. 2. The supreme court shall have appellate jurisdiction only, except in cases relating to the revenue; and power to issue writs of *habeas corpus*, *mandamus*, *prohibition*, *quo warranto*, *informations*, in the nature of writs of *quo warranto* and *certiorari*, and to hear and to determine the same, and in such cases of impeachment as may be required to be tried before it.

Mr. ARCHER moved to strike out all after the word "same." He said that in the last report which we had acted upon we had provided for trial of impeachments by the Senate which was the more appropriate tribunal. Cases of impeachment were generally for political offenses, and it might occur that after impeachment it would be found proper to have the individual tried before a court, and it would not be proper to have him tried by judges who had, when impeaching him, made up an opinion of his guilt.

The question was taken and decided in the negative.

Mr. HURLBUT moved to strike out "except in cases relating to the revenue." Lost.

Mr. THOMAS moved to strike out" *prohibitions*,*quo warranto*, *informations* in the nature of suits of *quo warranto* and *certiorari*," and insert "and all other writs necessary to the rightful exercise of appellate jurisdiction."

Mr. HARVEY moved to strike out of the amendment the word "appellate." Carried, and then the amendment was adopted—yeas 64, nays 47.

SEC. 3. The supreme court shall consist of one chief justice and two associate justices, who shall be not less than thirty-five years of age, and shall receive a salary of twelve hundred dollars per annum each, and no more, payable quarterly.

Mr. DALE moved to strike out "two associate justices" and insert "three" &c. Mr. D. said that as to the number which should compose this court, he had not given much consideration; the number "three" did not appear to him a proper number. If the main duty of the supreme court was the determination of cases of appeals, and this determination to be final, the necessity appeared of fixing the number of judges with a view to this end, to ensure proper determinations and which would be satisfactory to the people. Would determinations made by this court, composed of three judges only, be always satisfactory? If, in a case of appeal,

two of these supreme judges favored the reversal of a judgment and the third the affirmance of it, the judgment would be reversed; and yet it would be but the opinion of two judges opposed to two. These two supreme judges, overruling not a smaller number of judges nor of less capacity, but an equal number, a supreme judge and a circuit judge, and the latter two probably the more competent men. The opinion of the circuit judge was entitled to consideration. This judge would oftentimes be a more able one than the supreme judge. For the latter would be nominated by conventions, which, desirous of presenting familiar names to the voters, would select from among men well known, but known, it might be, chiefly as politicians; whilst the circuit judge would be selected by a small district, by those personally acquainted with him, and would be chosen on account of his legal acquirements, known to every one in the district, and acquired, it might be, whilst the nominees for the supreme court were employed in politics and legislation. Would the people be satisfied with the determination of their cases made by two associate justices overruling the opinions of the president judge, and circuit judge, when the latter two might be considered the abler men and possessed of more legal knowledge? Would not four, then, be a better number for the supreme bench, so that there might be a concurrence of opinion of at least three judges in all final decisions and this being a majority of all giving opinions in the case, supreme judges and circuit judge, would it not be more satisfactory?

Messrs. HARVEY, LOCKWOOD and PETERS supported the amendment; Messrs. DAVIS, of Montgomery, DAVIS, of McLean, KITCHELL, and WEAD opposed it, and the question being taken thereon, it was decided in the negative.

Mr. KITCHELL moved to strike out "$1200" and insert "$1500." Yeas 49, nays 65.

Mr. KITCHELL moved to amend by adding "*Provided*, that the general assembly may, whenever it shall become necessary, provide for additional associate justices, not exceeding two others, to be appointed as provided for in this constitution;" which was rejected.

Mr. HAYES moved to strike out "who shall not be less than thirty-five years of age," and the committee refused.

Mr. WITT moved to insert after "age," "and who shall have been a citizen of the United States for five years;" which was adopted.

Mr. WEAD moved to strike out the section and insert "the supreme court shall consist of three judges, any two of whom shall form a quorum; and the concurrence of two of said judges shall, in all cases, be necessary to a decision," and the same was rejected.

SEC. 4. The justices of the supreme court shall be elected by the qualified voters of the state, on the first Monday of March after the adoption of this article; returns whereof shall be made to the Secretary of state, who shall count the same in the presence of the Governor and Auditor, or either of them; the three persons having the highest number of votes shall be elected.

Mr. SERVANT moved to strike out "elected by the qualified voters of the state on the first Monday in March after the adoption of this article," and insert "appointed by the Governor, by and with the advice and consent of the senate." He said that he knew his amendment would not be adopted, but he desired that his constituents should know that he had acted according to his sentiments. If he thought he could carry the amendment he would speak for a month and log roll with every member of the Convention; but he knew differently and would do no more than propose the amendment.

Mr. PETERS addressed the Convention till a late hour in support of the amendment, and without concluding, gave way to a motion that the committee rise.

The committee rose, and then the Convention adjourned until 8 A. M.

XXXIV. TUESDAY, JULY 20, 1847

Prayer by Rev. Mr. GREEN of Tazewell.

Messrs. KINNEY, of St. Clair, WEAD, and CROSS, of Winnebago, presented petitions praying the appointment of a superintendent of schools; referred to committee on Education.

Mr. ROBBINS presented the following resolution, which was adopted:

Resolved, That the committee on Finance inquire into the expediency of inserting in the constitution an article, requiring the Legislature to ascertain from time to time the amount of the state debt—to apportion the state debt, according to the taxable property assessed in the state. To provide by law that any individual may pay his share of the said debt proportioned to his taxable property, and that such real estate as shall have paid its share of state indebtedness, and the value of so much personal estate as shall have been paid its share of state indebtedness, shall be ever thereafter exonerated from any liability in consequence of the state debt, and to provide from moneys raised by such voluntary payments, a sinking fund, with which to purchase the state indebtedness.

Mr. KNAPP, of Jersey, by leave, presented the following resolution, which was adopted:

WHEREAS, A respectable minister of the Gospel, whilst attending the Convention to open its sessions by prayer, under a resolution of this Convention has been grossly insulted and menaced with bodily injury by a member of the Convention; and whereas, it is alike due to the Convention and to the ministers, that we should not invite them to perform that duty unless we could secure them against such indignities; therefore

Resolved, That the resolution inviting the clergymen of Springfield to open the sessions of the Convention with prayer be rescinded, and that the secretary inform the said clergymen of the same, with the assurance of the Convention, that this step is not adopted from any dissatisfaction with the manner in which they

have discharged their sacred duty, but solely from an unwillingness to subject them to a repetition of such indignities.

The Convention then resolved itself into committee of the whole—Mr. SCATES in chair.

Mr. PETERS said, that the question now before them was one of greater interest to him than any other which would come before them; and it was this reason that had induced him to detain the Convention much longer than under other circumstances he would have done. He had prepared a proposition to amend the section, and would have offered it had he not been anticipated by the motion of the gentleman from Randolph. He would have it read: (the secretary read the proposition.) Mr. P. said, that the proposition just read was not the one which he preferred most, but it was one which would secure the independence of the judiciary, and with the independence of the judiciary, the rights and liberties of the people. He had argued yesterday, and would to-day, that on the independence of the judiciary of the government, rested the liberties of the people. When that department was placed in such circumstances—exposed to all the dangers of a change by legislative action or the popular clamor—it was easily induced to swerve from the path of rectitude, and its purity endangered by becoming dependent upon them for support. The great safeguard of all liberty was gone when the judiciary became dependent. He alluded to the history of the judiciary in England, and said, the time was when it was the prerogative of the crown to make and unmake judges—to command them—to rule by the terror of power their decisions, and make them the instruments of tyranny; but the time came when the monarch was forced to abandon this part of his prerogative, and give up the right of removal of judges from office, except on the address of his gentlemen in the commons. Prior to that time they were the creatures of the crown, and bound to its behests; since then, and ever after the revolution of 1680, we find them independent, and as firm as adamant in opposition to the tyrannical encroachments of the kingly power. In the Swiss cantons the independence of the judiciary was most safely guarded; the people there fear so much that their judges will be influenced by the party appointing them that they, when they have to appoint a judge, send to other

cantons for a suitable person to fill the office, in order that he may come among them free from all influence upon his actions by a feeling for the persons selecting him. In Spain, too, he found an instance of an independent judiciary. At one time the whole power of the government was in the hands of great lords behind the throne, who ruled and governed the officers of state, and held dominion over the administration of the laws. The people were never safe under such a rule. A change came, the judges were made independent of all parties, and removed from the influence of the lords, and public safety was secure. He could not illustrate the beauty of an independent judiciary and of the great confidence it created in the minds of the people, better than by relating an anecdote told of the great monarch Frederick. He was once riding outside Berlin, when he met a boy carrying fruit; he asked the boy to give him some of the fruit. The boy replied, "I cannot, I am carrying it to my mother." "I will buy it of you." "No, I cannot sell it, I must carry it to my mother." "I will tell the king that you refused it to me for money." "I cannot help it, I will not sell it." "Then," said the monarch, "I am the king, and will make you give up the fruit." "I don't care if you are the king," said the boy; "if you take it from me, *there are judges in Berlin!*" This, sir, was the greatest boast of that monarch, that his people could exclaim, "we have judges in Berlin." He thought the experience of the past had shown that the old mode of selecting the judiciary was safe, and had worked well, and he deprecated any departure from it, to enter into the unknown paths of this untrodden system, with no lights of experience to guide our footsteps. The greatest man who had ever distinguished the tribunals of the country, had said, when an attempt was made to overturn the judiciary system of Virginia, that on the independence of the judiciary, and its removal from all influences, depended the liberties of the people. Mr. P. here read an extract from the remarks of judge Marshall in the Virginia convention. He would refer also to another Virginian, Mr. Jefferson, who had said repeatedly that we should have our judiciary independent and far removed above all influences and biases; and that, if this were so, no matter how corrupt the legislative or the executive departments might become, the people would always

have one safeguard, and an invulnerable protection from their dangerous action. Mr. P. thought that an elective judiciary could not secure to us an independent judiciary. Judge Marshall has said: "would you place on the jury a man who was interested in or to be opposed by the result of the verdict?" And Mr. P. asked, would you trust a man on your bench whose very office, whose salary, whose means of living, and the very bread for his wife and family, may depend on the decisions he will make—when he, if he offend that power or that party which put him in office, knows and feels he will be by them put out again? Will any man, can any man, say that such a system will secure an independent judiciary? He had as high an opinion of the general intelligence of the people as any man, but he would not flatter the people by attributing to them qualifications which they did not as a body possess, nor which they would claim. He was not disposed to say that the masses of the people were all competent judges of a man's capacity as an expounder of one of the most abstruse sciences. He was not ready to admit that they were all competent to judge whether a man whom they never saw, had read a sufficient number of books upon law—whether he had the mind to understand what he had read—or was qualified with legal knowledge sufficient to discharge the duties of a judge. And yet a capacity to decide this question was an important requisite to be possessed by one who was called upon to choose a judge. A man presented himself to the people as a candidate for the professorship of chemistry, would any one say that the masses of the people were competent to decide whether that man understood the science of chemistry, or qualified to teach it?

Mr. P. said, that although he might draw upon himself the censure of the people and the press, he thought his position a correct one, and would follow it, even if he stood alone. He did not think the people desired an elective judiciary—they wanted but to take from the Legislature the power to elect them. Foreigners were coming into our state, many who did not understand our language; they, in six months, were permitted to vote, were they qualified to judge of the abilities and learning of a man to fill the office of a judge? They were good men, but not competent to judge of a man's knowledge of abstruse science. We had re-

stricted the Legislature, because we thought the people might elect dishonest and corrupt men, and yet, they hesitate not, to trust the people with the right to elect the judiciary; he put it to the gentleman to answer this: dare they bind down the representatives of the people, when there was no danger of the people's doing wrong? How dare they tell the people they are incompetent to select honest men to represent them in the Legislature, when you open to them, the greater privilege, and recognize in them, the capacity of judging of the qualifications of judges of law? He reviewed, at great length, the history of the State of N. York; alluded to the elective provision in the constitutions of Missouri and Wisconsin which had been rejected. He alluded to many abuses under the operation of the system in Mississippi. He referred to the dangers of an elective judiciary in times of excitement, asked where would be the independence of a judge elected in Hancock county, during the Mormon excitement, and in the same manner to the Massac difficulties.

He felt he had discharged his duty, and called upon the members of the bar to stand up for the independence of the judiciary. He thought he saw many evils in this system: the rich oppressing the poor, the strong bearing down the weak, and the weak appealing to the judiciary in vain. He thought he saw the judge ranging around the state, making friends by his official decisions of those who would be powerful in re-electing him.

We have given but a skeleton of the remarks of Mr. P., who, on both days, addressed the committee for four hours, eliciting the closest attention.

Mr. DAVIS of McLean followed in a speech of one hour's length in reply to the various positions assumed by the gentleman from Peoria. He reviewed the whole argument, and contended that the election of the judiciary was republican, and the most effective in establishing it independent. He thought the experience of those states, in which it had been adopted, sufficiently demonstrated its utility, and beneficial consequences. He advocated its adoption as the only mode of ridding Illinois of her present inefficient system which had none of the confidence of the people, and of establishing a system that would be entirely independent of the other branches of the government, and would always receive

the support and protection of the people.—He thought the objections urged against it were the probable abuses of the system, and reminded the members that any system might be abused, and that an abuse was not a fair argument. The right of suffrage might and was often abused, but that was no argument against the right of suffrage. Some men had wealth, and abused the power it gave them, but that was no argument that it should be taken from them. He would rather see judges the weather-cocks of public sentiment, in preference to seeing them the instruments of power, to see them registering the mandates of the Legislature, and the edicts of the Governor.

He thought that even if the national judiciary were elected by the people, they would have made better selections than had been made by the President for years past. They would have chosen judges, instead of broken down politicians.

Mr. GREEN of Tazewell replied to the gentleman from McLean, and advocated briefly the same views expressed by the gentleman from Peoria.

Mr. PALMER of Macoupin argued at much length on the same grounds presented by Mr. PETERS, against an elective judiciary.

On motion, the committee rose and reported progress.

And the Convention adjourned till 3 P. M.

AFTERNOON

The Convention was called and, as soon as a quorum appeared, resolved itself into committee of the whole, and resumed the consideration of the report of the Judiciary committee.

Mr. ARCHER said, that he had listened to the remarks of the gentleman from Peoria with great attention, but had not been convinced by what he had heard, that the election of the judiciary was not demanded by the people, or that it was fraught with danger to the liberties of the state. After alluding to the benefits resulting from its adoption—by placing it above the control of the legislative or executive departments, and making it rest entirely upon the people—the source of all power—for support and confidence, he scouted any danger to be apprehended from the change in the system.

In New York they had made a change from the old system to the elective principle, and it was done to meet the growing and improving opinions of the people in regard to their judiciary. In that state they had no cause to complain of their judiciary, it stood high and elevated in the estimation of the people, its decisions were authority all over the Union, and the people felt satisfied with it, or at least they had no complaint to make. But a change in the system was thought desirable by the Convention that met to frame the constitution, and it was made and the people sustained it by a triumphant majority. If a change was desirable there, where there was no complaint, how much more so here, where there was great complaint of the mode in which judges were appointed.

He could not see how the dignity, independence, and standing of the judiciary would be lessened by their election by the people, instead of the Legislature, or the appointment by the Governor and Senate.

He did not agree with those who argued that if they were elected they would become the mere tools of the politicians to whom they owed their elevation. Such would be the case when a man felt that he owed the office he held to the Governor by whom he was appointed, but not so with the man chosen by the whole people. In the latter case he stood the choice of the people, to no one man was he compelled to acknowledge his election, but looked to them all as men whose interests he had been selected to watch over, guard and protect.

He alluded at great length to the capacity of the people to select competent judges to fill the bench of the supreme court, and repelled the arguments of Messrs. PETERS and PALMER, that they were not as well qualified to elect the judges, as to elect a man to appoint the judges.

Mr. KNAPP of Jersey said, that this question had been discussed in the canvass in his county, and the people there had expressed themselves in favor of an elective judiciary.

He referred the committee to the bill of rights where the principle that all power is inherent in and of right belongs to the people, and asked members why the people should not have the right of choosing all the departments of the government; or

why should any two of the departments of the government assume the right of creating the other, and of exercising over it a control. After an allusion to the late change by the state of New York in her judicial system, and an explanation of the anti-rent difficulties, he referred the Convention to the period when the offices of constable and justices of the peace were made elective. Then there were the same cries made against the danger of political prejudices and influences being brought to bear upon the administration of justice. No where throughout the land could be found more honest, upright, and impartial justices of the peace or inferior magistracy, than in those states where they were elected by the people. In time the superior courts would be found to be as pure—as far removed from petty and political influences—as was the inferior. Moreover, he thought it a possible case, that the time would come when the people would discover that it was not necessary to have lawyers on the bench. It had been supposed that none but lawyers should have been elected to this Convention to frame a constitution, but in the election, the people had shown that they thought differently. Farmers, merchants, and mechanics, had been sent here, and they were not the least competent. For one, he was not willing to give up every thing to lawyers. There had been eulogies passed upon the profession, and it had been said they were the most trusted and most abused persons in society, but the lawyers had taken care not to tell us whether the abuse or the trust was the most merited. He would vote against the amendment.[40]

Mr. KITCHELL was in favor of appointing the judges of the supreme court by the Governor and senate; and of the election of the circuit judges by the people. His views would be different from those expressed by both sides. He thought the great objection on the part of the people to our present system was, that the judges were elected by the Legislature; and then, another that they held their office for life. The first prejudice against our judiciary had arisen from a decision made by the supreme court upon the question of the tenure by which the Secretary of State held his office. The only manner in which the evil decisions of

[40] A longer account of this speech by Knapp may be found in the *Sangamo Journal*, July 29.

that court would be got over, was the increase of the bench, and then there were made nine judges *for life*. At last, to remedy this evil, the present Convention was called, and the principal object was to abolish the life system. The people were dissatisfied with the mode of appointing the judges, in consequence of the great loss of time by the Legislature in choosing the men, and in electioneering for favorite candidates. He could see no necessity in making the judges of the supreme court elective; that the people had a right to elect them as well as any other officer, he did not deny, but that such a thing was necessary he did deny. With the circuit court it was different: the people knew all about the candidates, as they were men continually on the circuit, and the keen-eyed observation of the people would select the best men. The people of Jo Daviess county knew nothing of a man who lived in Wabash county. He alluded to this subject for some time, and concluded by remarking that the object of the people in desiring a change, was to strike at the circuit judges, and not to have the supreme judges made elective.

Mr. WILLIAMS considered the question an important one, and desired to state the grounds on which he would vote. He had heard the arguments of the gentlemen from Peoria and Macoupin against an elective judiciary, but had not been convinced. He could appreciate the sincerity of their sentiments, because at one time he was as prejudiced, by early associations and opinions, in favor of the old system as they were. He had thrown off the shackles which had bound his mind, and had come to a different conclusion on the subject. We had seen the working of the old system, and admired it—we had lived under it and saw no abuses—we had witnessed and felt all of its operations, and had heard no complaint. We were attached to it because it had worked well. But that was ten years ago. At that time a man who was in favor of an elective judiciary would be a curiosity. At that time, as had been said, they made a decision, and that it was complained of. But who made the complaint? If it had come from the people, and they had stricken down the whole power of the court, then there might be an argument against the elective principle. But the complaint came from the Legislature, and the court was dependent on the Legislature. Since then the system had not

worked well, and the people have desired a change, and have come to the wise conclusion to elect the judiciary themselves, and relieve it from any dependence on the other branches of the government. Much had been said of an independent judiciary—independent of whom? He agreed with all that had been said about the independence of the judiciary; but one object of the judiciary was to protect the people from the other branches of the government, and how was this proposed to be carried out? The old system was to place the judiciary independent of the people, and dependent on the Governor and Legislature; the elective plan was to make them independent of the Governor and Legislature, and dependent on the people for support against the other branches of the government. The object of the distribution of the powers of the government was that the one department may check another. Suppose you give a few men the power to make laws and carry them into execution, it is simple and plain. Why not try that government? Because those few men may become corrupt. Gentlemen say, Let the Legislature and the Governor pass the laws, and before those laws can go into effect, the judiciary must give them an approval; therefore the judiciary has a control over the others. But they say to the Governor and Legislature you may appoint that judiciary yourself! Mr. W. was in favor of a limited term of office by judges. He here viewed the English judiciary, and replied to Mr. PETERS on that subject. He opposed the election of judges by general ticket as most objectionable, but any way was better than appointment by the Governor, as good governors always appointed good judges, and bad governors always bad judges, and the experience of the late history of Illinois had shown that the people thought second or third rate politicians men good enough to fill that office.

Mr. LOGAN said, he would vote to strike out, but not to insert what had been proposed by the amendment. He could not vote for the election of judges by general ticket, but would vote for the minority report—the election by districts—and he called on the friends of both propositions of the elective system, to vote for striking out; the question could then be taken on the two propositions. He urged upon all who were in favor of an election by the people to vote to strike out.

Mr. DAVIS of Massac hoped the motion to strike out would prevail, he thought the general ticket system was the most objectionable feature that could be proposed. Sooner than vote for it he would vote for the nomination by the Governor and confirmation by the Senate.

Mr. DAVIS of Montgomery expressed a similar view.

Mr. HENDERSON moved the committee rise; which was rejected.

Mr. CAMPBELL of Jo Daviess warned the friends of an elective system to stand by the report of the committee as it stood, for if this provision be stricken out, we cannot replace it. And what would they then do? If stricken out they were precluded from inserting it again.

Mr. LOGAN said, that when they got the measure into the Convention and out of the committee it might be again inserted.

Mr. CAMPBELL of Jo Daviess: Why not report the section as it is, and amend it after you get into the Convention.

Mr. ———— moved that the committee rise, which was rejected.

Mr. Z. CASEY appealed to the friends of an elective judiciary to vote against striking out. He warned them not to part with the section as it stood now. If the motion to strike out prevailed, then they might give up all hopes of that system. He warned them seriously to stand by the section.

Mr. CAMPBELL of Jo Daviess warned the friends of the elective judiciary to maintain their ground. He assured them that if it were stricken out, they would get no provision to elect the judiciary inserted again.

A motion that the committee rise was made, and decided in the negative.

Mr. HENDERSON said, that he had expected the movement that had been made by the enemies of an elective judiciary. He had been watching all day for the gentleman from Sangamon to blow his trumpet, and gather his forces. He was not astonished when that gentleman, after a careful glance at the vacant seats, had sounded the note for action; it was in keeping with that gentleman's superior tactics. He (Mr. H.) again warned the members who were in favor of an elective judiciary to vote against

all propositions to strike out, for if the motion to strike out was carried, the election of the judges by the people would be defeated.

And the question being taken on striking out, it was decided in the affirmative. Yeas 81, nays 31.

Mr. PETERS moved the committee rise; which was carried, and the Convention adjourned till to-morrow at 8 A. M.

XXXV. WEDNESDAY, JULY 21, 1847

Prayer by Mr. GREEN, of Tazewell.

Leave of absence for ten days was granted to Messrs. MARKLEY, LOUDON, AKIN, and DUMMER.

Mr. JENKINS, from the committee on Counties, reported back sundry resolutions, and asked to be discharged from the further consideration thereof.

On motion, the report and resolutions were laid on the table.

The Convention then resolved itself into committee of the whole on the report of the Judiciary committee.

The motion pending was on inserting the amendment of Mr. SERVANT—"be appointed by the Governor by and with the advice and consent of the Senate."

Mr. DAVIS, of Massac, moved as a substitute for the amendment—"the State shall be divided into three grand divisions as nearly equal as may be, and the qualified voters of each division shall elect one of said supreme judges for the term of six years."

Mr. BROCKMAN addressed the committee in opposition to the amendment and in support of the election of the three judges by general ticket.

Mr. FARWELL opposed the district system. It was, in his opinion, worse than having the judges elected by the representatives of the people. Under the district system a majority of the court might be composed of two judges who were the choice of a minority of the people. A man might be chosen by the people of the southern or the northern districts who was obnoxious to the whole people, and whose sentiments and opinions might be different from those entertained by the majority of the people. Was this an election by the people? It was not, but on the contrary placed within the power of a minority to defeat the choice of the majority. He warned gentlemen that in the north part of this State there was a large party that was fast increasing in numbers and political strength, they would soon be able to command an election in that section. Did gentlemen desire to see those men—whose principles were to do away with the law of the land, and adopt

what they called the law of God—filling, or selecting men pledged to their views to fill the office of a judge of the supreme court? The supreme court was a court not for any district but for the whole state, and was intended to check the operations of the sectional or circuit courts, and should be elected by the whole people.

Mr. DAVIS, of Massac, said that he hoped the amendment proposed by him would pass. If it does not, he thought he could see a dark and impenetrable gloom overhanging the future destinies of this state. He thought if the general ticket system prevailed, we would see in the future men elected to the supreme court for no other reason than that of party influence and political bias. When such would be the case, then would the sheet anchor of liberty be forever gone. He thought there was no plan more fraught with danger to the liberties of the people, than the general ticket system. Gentlemen have said that we should have these judges elected by the whole people, heretofore they have been elected by the representatives of the people, and is there a system more universally condemned than the present judicial system of Illinois? Who are the judges of this court? They are but men, with all the frailties and weaknesses of human nature—nothing more than mere human beings—and will be influenced and biased by considerations of gratitude and feeling towards the party electing them; they would feel coerced into a support of the principles of that party to which they owe their election. By choosing the judges from these three grand divisions the conflicting interests of the several parts of the state are represented on the supreme bench of the state, and no one political sentiment or interest is exclusively followed by that tribunal. If the judges were to be elected by general ticket, the whole south would be swallowed up by the vortex of the north, and he called upon them to elect the judges by districts, and thus secure a judge from the south. He deprecated the general ticket system, as it would lead to party conventions and caucuses, and the eliciting by them of pledges from their nominees to decide upon certain questions in a particular way, for he concluded that the candidates of these conventions would inevitably be chosen. He had seen the workings of such systems. He had known the pledge made by, and required from candidates for judgeships. He had known men [to] receive the

appointment of a judgeship upon a pledge to appoint a particular individual clerk of his court. It was to break up and avoid all this, that he advocated the election by districts. He feared nothing from the growth of the abolition party, or that one from that party might be appointed a judge. On the subject of the judiciary he knew no party feeling—recognized no party lines. He knew no party when called upon to act upon a principle which was for the benefit or prejudice of the state. He knew no party when called upon to act upon the judiciary—upon the selection of men to expound the law. He opposed the general ticket system because he feared a court made up on party grounds, and of men whose judgments would be swayed by party considerations. When such came to be the character of our judiciary, republican institutions would crumble into dust, and freedom would shriek her last.

Mr. GREGG said, that he could not see those great and alarming evils which had been predicted as involved in the general ticket system. He did not think the supreme court as constituted for the benefit or as the representative of the interest of any part of the state, but as the supreme judicial tribunal of the whole state, with jurisdiction over the whole territory and people of the state. Why then consign to one section of the state the choice of a man to administer justice in other parts of the state, and over people who had no voice in his election? Why not let the whole people, whose rights, liberties, and property, are placed under his jurisdiction, have a voice in his election? It is said that party interest and feeling will be introduced, and party excitement will enter into the choice of the judges, if we elect them by general ticket. Will not the same argument apply if elected by districts? Will not party feeling be as rife? Will not party rancor and contention exist, or be felt in those districts upon the subject? Will they have conventions and caucuses, and all the modes of nominating party candidates, as well as if they were elected by general ticket? He could see no difference in that particular between the two systems. He deprecated party spirit as much as any one in judicial matters; he agreed the ermine of justice should never be permitted to be polluted or touched by the baleful influence of party spirit, and sooner than see such take place, he would vote for the appoint-

ment of judges by the Governor and senate. It had been said that the district system would produce a conflict of opinion and a diversity of sentiment and interest upon the bench—and how can this be produced? In no way except by the introduction of party spirit into the election of the judges in the districts, and by the election in one district of a candidate from one party, and in the other districts of men of different political sentiments. And does it thus avoid party spirit? Certainly not. We will then have a diversity of opinion on the bench upon some political question, which has by this means been drawn before them for adjudication. His opinion was that the majority should rule in all cases, and that the principle was as applicable to the election of the judiciary as any other department of the government.

Mr. PINCKNEY advocated an elective judiciary, to be chosen by the people in districts, who were to hold office for the term of ten years, and after that time the judges to be ineligible to a re-election. He also desired the elective system to be submitted every ten years to the people for their approval, and to be changed if they so desired it.

Mr. HARVEY was in favor of an election of the supreme judges by the whole people, and opposed entirely to their election by districts. He considered that the duties of a judge of that court were something different from those performed by a senator. The one expounded and administered the law to the whole people, and the other represented a section of the people. He thought the difference in their relation to the people required a difference in the mode of electing them, and applied the same argument to the election of judges by districts, when the duties they would have to perform were to govern and control the actions and interests of the people at large. He considered the post of a judge not one of a representative nature. He was to decide questions arising in his court according to law, and not to suit the wishes and notions of any particular section of the state, and hence the impropriety of electing him by a portion of the people. He would be sorry to see judges, elected from the north or south, deciding questions according to the feelings and sentiments of the portion of the state they came from. Much had been said about no party—that all party feeling upon this question, and in the election of judges

should exist—that all demagogueism should be put down; but from what had appeared to him, those who denounced party, were the very ones who were most under the influence of party, and showed most of its spirit.

Messrs. PINCKNEY and DAVIS of Massac explained their views upon party, and a rather personal colloquy took place between the latter gentleman and Mr. H.

Mr. HARVEY said he cared little about political life or death; it was a matter of no importance to him. He would be sorry to see local feelings and sentiments represented on the supreme bench. He felt yesterday, when the gentleman from Sangamon had sprung his mine, that a trap had been set for the friends of an elective judiciary, and he regretted much that many had not seen it before it was too late. That gentleman, by his profound and skilful tactics, had succeeded in drawing into the snare a sufficient number to defeat the general ticket system, and would, he scarcely doubted, succeed in defeating an elective judiciary entirely. He did not think the plan pursued by that gentleman, although successful, was a fair one. And he had strong suspicions that beneath the present proposed system there was hidden another mine, which would be sprung at the proper time,and when it [would] be too late for those friends of an elective judiciary, whom he had succeeded in drawing into his trap, to retrace their steps. He thought that if the district system was adopted, they would find that there was to be but one session of the supreme court in a year, and that at Springfield, for the benefit of those lawyers who resided here. He was opposed to all monopolies, and particularly to a monopoly of the supreme court.

Mr. DAVIS of Montgomery asked if the gentleman considered that he was a party to that scheme.

Mr. HARVEY. No, sir; I believe you are too honest a man, but I think that, like others, you have been led into it without seeing the object. Mr. H. then reviewed the argument that the people would not know the candidates or their abilities, and thought that the same argument would apply to the large divisions proposed.

Mr. ALLEN said, that he was one of those who had voted for striking out, and if he had fallen into the trap mentioned by the

member from Knox, he certainly was not aware of it. That member says he saw the trap; but there he, perhaps, can see many things that others cannot. He is somewhat strange. If he happens to differ from other men upon any subject, he immediately declares all wrong and he alone right. This was part of the gentleman's nature and he could not help it. That gentleman was opposed to the district system and to compelling the people to select from districts; perhaps he thinks that in Knox county there may be found three men competent to fill the post. He may think so, but the people may differ from him, and they don't like to have these judges selected, as it might occur, from Knox or any other county. Mr. A. came here with no northern or southern feelings; he came here divested of such sectional feelings as far as it was possible. He was in favor of the election of the justices of that court from the three grand divisions of the state, so as that the people of all parts of the state might have the election of one judge at least. He did not think the gentleman from Knox should have said, that, because he entertained this opinion, because he was in favor of the district system, and had followed that course which alone could have allowed them to present it to the Convention, they had fallen into a trap set for them; that they had been deluded into an act the consequences of which they did not know the importance. That this trap was sprung, and the unwary caught, by a combination of factions.

Mr. HARVEY said, he had used no such terms.

Mr. ALLEN. I then misunderstood the gentleman's language, though I did not his meaning.

Mr. A. then alluded to the difficulties suggested that the people in the districts would not know the candidate for the office, and told the house that if a line were laid any where, south of Springfield, that no man could be presented in the district lying south of that line, with whom the people were not sufficiently acquainted to decide upon his qualifications. If they were not acquainted with the candidate personally, they could, by inquiry, receive all necessary information upon the subject. And how did the Governor select his judges? When a vacancy occurs, the candidate for the vacancy, or his friends, get up a petition, setting forth his abilities &c., and it is sent post haste to the Governor,

and thus, a man who may be a total stranger to the Governor often obtains the appointment—by information derived from others. He would vote for the election by districts, and if he could not get that he would vote for the election by general ticket.

Mr. LOGAN (a thunder storm raging without at the time) replied to the remarks of [the] gentleman from Knox, and disclaimed any idea or contrivance to trap any persons.

Mr. CAMPBELL of Jo Daviess said, he desired to speak, but being weak and the hour late, he moved the committee rise. Which motion was lost.

Mr. SERVANT rose to defend the system of appointment by the Governor and Senate, though he felt that his health required he should avoid any excitement. Mr. S. spoke a few sentences and then sunk back on the floor and fainted.

The committee rose and the Convention adjourned till 3 P. M.

AFTERNOON

Mr. CAMPBELL of Jo Daviess presented the following as an amendment to the proposed amendment of the gentleman from Massac:

Strike out of that amendment, "and the qualified electors of each division shall elect one of said supreme judges for the term of six years," and insert in lieu thereof, "one of said judges shall reside in each of said districts, and all of the said judges shall be elected by the qualified voters throughout the state."

In presenting the above amendment Mr. C. said, that he regretted most exceedingly that he and the gentleman from Massac differed so widely upon this subject, and it pained him much that he occupied a position in opposition to the election of the judges by the whole people.

The great argument used on this question by the friends of the district system, is that, by making selections from the three great divisions of the state, we will get better men to fill the bench. Well, sir, if we must select men from districts to get the best judges, does not my proposition—to divide the state into three divisions and that one shall be chosen from each of those districts, in the same manner as they desire, obviate the whole difficulty and dan-

ger which [it] is said is attached to the general ticket system? Does it not establish an independent judiciary selected from the districts, and does it not disarm them of their great argument? If his proposition were adopted then we may have the judges chosen from the districts, and the whole people would have the privilege of electing them. Would not the judges in such a case be selected with greater care, with a greater regard for their ability and qualification for the office than if voted for separately by districts? The party at the north would go into Convention (for he presumed that party nominations would be followed in either case,) and they, for their district, present to the southern part of the state a man every way qualified, by experience and legal acquirements, for the office and ask its support; the south would do the same, and so with the other district. Both parties in these district conventions would select their best men, those whose reputation and standing would ensure the confidence of the people, even beyond the limits of the district; there would be a sectional pride to present candidates who would be the least obnoxious to any charge of incompetency, or want of the necessary ability and attainments, which might be brought by the opposing party. We thus would secure men for that bench who were chosen from a confidence possessed by the whole people in their competency. How different under the district system? There a man who aspired to the station might possess a political influence or a social popularity in his own district independent of all legal ability, and by those means secure to himself the election, and the people of the whole state have one to preside over their interests incompetent to the task, and whose principles they abhorred. When a man of such a character received the nomination and under the general ticket system his name was presented to the convention of the whole state, there would be a close, scrutinizing examination made into his character, his capacity and his standing, and the convention would take care that none but competent men, such as would receive the support of the whole people, would be presented to the state. Gentlemen say that the people in one section of the state will not know these candidates, will know nothing of their abilities or their standing as professional men. Was this so? How did the people know the man for whom they vote for Gover-

nor? In almost every instance the people at large were unacquainted with the candidate for Governor until after the nominations by the conventions; there for the first time was his name heard by them, and they inquired, they examined, they read, and long before the election became familiar with his reputation and principles. So would it be in regard to a candidate for the supreme court—his character and legal acquirements would be examined closely, his ability to perform the high office of a judge would be inquired into, and the people would inform themselves upon the subject, before they elevated any one to the supreme bench and conferred upon him the great prerogative of passing upon their lives, liberty and property. This fact alone would be a sufficient inducement to the different parties to bring forward their best men, and vie with each other in presenting candidates most worthy of the confidence and support of the people.

He would refer gentlemen to the great state of N. York, where a similar provision had been adopted, and to the result of an election then for judges of the supreme court. Both parties brought forward the ablest and wisest of their party. Were they nominated for that office on exclusively political grounds, or on account of political or party influence? No, sir; they were presented to the people as candidates for the bench—as men the most eminently qualified to perform its important duties.—There was a strife there as there will be here, between the two parties, to present the ablest and most experienced men. From the argument of the gentleman from Sangamon, it would appear that he thought no person was ever nominated for office by a convention, except blackguards and ragmuffins, and that such characters always had the best chance in conventions. He differed from the gentleman: experience had shown them that, generally, the best men of the state were brought forward by the conventions. Bad men the result of party conventions! He would ask the gentleman, or any other, to point out to him any man that had been elevated to the bench in this state, by the democratic party, whose judicial acts were complained of, or whose career had been oppressive upon the people. Show him one. And he challenged them to deny that such men, whose acts had drawn from the people complaints long and loud against wrongs and oppressions

inflicted from the bench, which they could and would no longer bear, did not belong exclusively to the whig party. Not one single appointment from the democratic party had been complained of. If he knew anything of the history of this state for the last few years, he felt that he was right in his statement. The great objection, and cause of complaint on the part of the people had been against the manner in which these judges have been made for the last few years. Heretofore the election of these judges has been confided to the representatives of the people—the General Assembly; and when a vacancy has occurred, it has been the custom for the party in power to say to the representatives from that portion of the state in which it has taken place: "Here, gentlemen, is a vacancy—it is in your circuit—go, nominate a man, and report him to us, and we will elect him." He was thus selected by the few representatives from the circuit, and then elected by the Legislature; but really by those few men of the circuit, elected to the supreme court. The people saw this and disapproved of it. They said: here is a man elected to the supreme court with power and jurisdiction all over the state, and over us all; and he has been elected to that high office and prerogative by a few men of a single party, who represent, in the Legislature, a small circuit down south, or up at the north, and we, who are to be affected in our lives, liberty and property by his decisions, have nothing to say in the matter. They have seen this thing done, and have said, we will suffer it no longer. So of this district system. The people will not approve of it. They will say, we desire that our voice may be heard in the choice of those supreme judges, to whose hands are entrusted, and under whose jurisdiction are to be secured, our rights, liberties and possessions. This is the answer they will give to your district system—your three *grand divisions*. The gentleman from Massac says, that by this system we will have a conflict of opinion on the bench. What kind of a conflict of opinion? Political, sectional, of mind, or does he mean that conflict of legal opinion—that conflict which will, from its operation, bring forward from their depths the hidden resources of legal knowledge and learning—the result of study and experience—to enable them to come to correct conclusions

upon the questions before them? Can he mean that he desires a conflict of opinion upon political questions on the bench?

Mr. DAVIS of Massac explained, that he thought that if the court were elected by the whole people, there would be danger that it might become biased in its action by party feeling and spirit; but if elected from the three divisions, there would be a conflict of the different opinions of those districts, and of their diversified interests.

Mr. CAMPBELL. A conflict of the opinion of the different sections of the state, and of their interests, is then what the gentleman means. And to obtain this, the judges must be elected in three grand divisions—nothing else would accomplish the end. He would ask the gentleman if there was any difference to the representation of those interests upon the bench, if the judges were chosen by the grand divisions, and then elected by the whole people. He could see none except that the latter mode made the judges more independent. There was a great difference between judicial independence and judicial irresponsibility; much between an independent judge, and an irresponsible one.—Take a judge at home, in his own district, or in his own circuit—the people of which elected him; a great and important question arises, in which the whole interests of the state are concerned, and he makes a decision upon it—what does he do? He decides to suit the feelings and interests of the people of his district, and thus secures his re-election, and that is all he cares for. He has no responsibility beyond his district. How different if he were responsible to the whole people! Then his decision would have been one becoming a judge of the supreme court of the state, and not that of a judge of a district. What responsibility will a judge elected in the southern district of this state feel he owes to the people of the other two-thirds of the state? What cares he if they be satisfied with his decisions on the bench? They have no voice in his re-election, and all he has to do is to please the people of that district. Will not his responsibility cease when he crosses the line of his own district?

The want of room precludes our following the remarks of Mr. C. further. He pursued the subject for some time in his usual style. He asked if those, who said the question of a judiciary was

so pure that the foul hands of party spirit should not be permitted to touch it, considered that there would be no party conventions and party nominations, and party voting, under the district system, as well as under the general ticket system? He thought the only way to avoid it was to have one whig district, but this had been refused by the gentleman from Sangamon. He alluded to the many professions of the whigs, that they wanted no judge of their party, &c., and to their cry of "no party" during the canvass for members of this Convention, and to their general success, by that means, in obtaining what they wanted—the defeat of the democratic party. He scorned such tricks, preferring the bold, manly course of a whig like HARRY of the WEST, who never cried "no party." He saw no great privilege conferred upon the people by this district system. A man came to the court and his case was tried by judges, a majority of whom he had no choice in electing, and so far as the privilege of being tried by judges of his own choice, we might as well be tried by a court in Missouri. The people had less to say in the choice of their judges than when they were elected by their representative in the Legislature. In replying to the remarks of Mr. LOGAN, made during the storm, and to which that gentleman had alluded, he remarked that it was true that there was a storm; that without the lightning did play, the thunder did roar, and the rain did fall, but it was in this hall that the wind blew. He replied to the argument that the party would always vote for and elect the nominees of the convention, by asking if they would not do the same thing in the grand divisions. He thought that if the judges were elected by the whole people, that there would be an emulation among them to deserve the good will and approval of the whole people, and a re-election based on their meritorious services. He said that he would put a question to be submitted to the people: here is one plan which divides the state, for the purpose of electing a supreme court, into three grand divisions; you elect one of them —with the other two you shall have nothing to do, nor in their election a voice—they are given to your neighbors to elect. The other plan is: here are three judges taken from different parts of the state, but you, and your neighbors, and all the people of the state, shall have the power of electing them. And he asked if any

member would say that the people would reply that it is better for us not to have any thing to do with the electing of two of these judges, and our neighbors may elect them for us? He repelled the charges made by members against the bar; and replied to the member from Ogle, that he was perhaps in as great danger of losing, in his absence from home, some of the choicest lambs of his flock, as were the lawyers of losing their clients. He called upon his friends to vote for the proposition he had presented. He alluded to the appeal made by Mr. LOGAN on yesterday, by which he had succeeded in striking out the general ticket system. He had called upon the advocates of the district system to come to his aid, while his own friends stood waiting for him, like Roderick Dhu, to blow his shrill whistle, to spring into arms, and then at the wave of his hand, to disappear. He asked gentlemen would they follow that gentleman, who was calculating upon our going back to the old system, in case we failed in the general ticket, and then by uniting his votes with ours, defeat the elective judiciary entirely. Were they prepared to be thus led?

Mr. KNOWLTON was opposed to an elective judiciary; but if we were to have it, he would vote for the district system in preference to any other.

Mr. DAVIS of Massac returned his thanks to the gentleman from Jo Daviess for his expressions of kindness, and assured him that the difference of opinion was as painful to him as to that gentleman. The gentleman from Jo Daviess had said, that he (Mr. C.) [D.?] had called upon the whig party to come to the rescue. He had not called upon the whig party, nor any party, to come to the rescue. He had said, that upon this question there was to be no party, that there ought to be none; and if, for concluding that the judiciary of the state should be separated from party spirit, feeling and influence, he was to be anathamatized [*sic*] and separated from his party, he would say be it so. As Pitt and Fox said to each other, if he was to be separated for this cause, "we separate, and we separate forever."—He had made no such appeal, but he had called upon all to abandon party lines on this question; and if there was to be anathema and separation, he was ready to be separated, on this question at least. He thought he saw in the general ticket system a dark and impending gloom hanging over

the future destinies of the state. He thought he saw the future involved in a deep, dense and more impenetrable gloom than it was possible for the mind of man to fathom. He thought the plan proposed by the member from Jo Daviess one most artfully drawn to deceive and draw to its support those who did not pause to examine it. It retained one feature which he stood there honestly and before God determined to resist. That feature was the election by general ticket. We are told that the districts may meet in convention and nominate a man, and that when the state convention met, they would ratify it. But we know the danger of such conventions. He referred the gentleman to a convention which met a few years ago in a city in this Union, for the purpose of nominating no less a candidate than for the chief executive office if the country. A large majority of the delegates to that convention, before they left their homes, were instructed by their states to vote for a particular individual, but when they got there they disobeyed their instructions, and nominated another man. He opposed the general ticket system because of its dangers; he had always been opposed to the election of the supreme judges, but had yielded to what had been the expressed opinion of the people, and to their demand. Mr. D. continued for some time in stating his principles, and in repelling the charge of collusion or combination, for the purpose of carrying his plan.

The question was then taken on substituting Mr. DAVIS' amendment for Mr. SERVANT'S, in the motion to insert, and the same was decided in the affirmative—yeas 78, nays 41.

The question was then taken on the proposed amendment of Mr. CAMPBELL and decided in the negative--yeas 49, nays 78.

Mr. EDWARDS of Sangamon moved to strike out six years (the term of office) and insert "nine." 12 and 15 years were also proposed; and the question being taken, the Convention refused to strike out.

Mr. PETERS presented the following as a substitute:

"The Governor shall nominate, and by and with the advice and consent of the senate, (two-thirds of the senators elected concurring therein) shall appoint the judges of the supreme court, who shall hold their office for the term of nine years, and shall be

ineligible to any other office than a judicial one for the time for which they were appointed, and for one year thereafter."

Mr. PETERS said, that he was not going to make a speech in favor of the amendment now offered, inasmuch as he had given his views at length when the proposition of his friend from Randolph (Mr. SERVANT) was under consideration. The Convention had then listened to him for a long time, for which he felt under the greatest obligation. He had now only to say that he earnestly desired every member to look at the pictures which the friends of the elective principle had been drawing on yesterday and to-day. The friends of that system had divided into two parties; one party was in favor of electing the judges by general ticket, by the electors throughout the state; the other party was for dividing the state into three grand divisions or districts, and each district to elect one judge of the supreme court. The friends of the general ticket system declare to us, and they have repeated it again and again, that the district system is fraught with the most enormous evils—that each judge will represent a locality and not the people of the whole state, though he is to be judge of the state; that there will be no feeling of responsibility resting upon him; that they will be elected in reference to local questions; that they will be subject to corrupt influences. Various other evils are imputed to this mode of election, all going to show that it will degrade and prostrate the judiciary. Those in favor of the district system tell us that the other plan will produce only "evil and evil continually;" that the election of the judges will at once be subjected to the control and machinery of political parties; that nominations will be made by political caucuses; that the people will have but little to do in fact with the election, but all will be subjected to party drill; that we shall have party judges; inefficient and unqualified men will fill those stations, and all sorts of enormities and iniquities will be introduced into the judiciary. Whether, owing to the different degree of talent of the speakers or not, he did not know, but so it was that the advocates of the district system had made the general ticket system appear much worse, more hideous, if possible, than the general ticket men had made the district system appear. Taking the pictures drawn by the advocates of the

two systems or modes of election proposed, and it seemed enough to him to terrify us, and induce us to resort to the good old principle of appointment. But he should not argue the point further. He felt as if the arguments used by him when discussing this subject the other day, were greatly strengthened by the high coloring these gentlemen had given to their respective pictures. He would, therefore, end as he [had] begun, by asking gentlemen to look at the pictures which the friends of the elective principle had drawn; to look at them in all the deformity which their own friends had given them, (and no one would doubt the truth of the picture,) and then let gentlemen vote as their judgments and consciences would dictate. He was willing to leave the question here.

And the question being taken on the substitute, it was rejected —yeas 40, nays not counted.

Mr KENNER moved to amend by inserting—"shall be elected by both branches of the Legislature, on joint ballot, on the first Monday of March;" and the same was rejected.

Mr. SERVANT moved to strike out "six years," and insert, "during good behavior." Rejected.

Mr. WEAD moved to add to the section, "the Legislature may change or alter said divisions to meet the exigencies of the people."

Messrs. WEAD and CALDWELL advocated the amendment, and Messrs. LOGAN and EDWARDS of Sangamon opposed it.

Without taking the question, the committee rose, and, on motion, the Convention adjourned till tomorrow at 8 A. M.

XXXVI. THURSDAY, JULY 22, 1847

Mr. CROSS, of Winnebago, presented a petition praying that no distinction be made in the constitution on account of color. Referred to the committee on Bill of Rights.

Mr. STADDEN presented a petition, praying the appointment of a superintendent of schools. Referred to the committee on Education.

Mr. GEDDES asked a suspension of the rules, to enable him to offer a resolution, that we proceed forthwith to the election of a chaplain, and the Convention refused to suspend the rules.

[Mr. GEDDES said,[41] he had been exceedingly pained by the course which this convention had taken in relation to the clergymen of Springfield. The conduct of the convention, he said, had been disgraceful in the extreme. They had first invited clergymen into the hall to invoke the blessings of heaven upon the deliberations of this body, to ask for that wisdom which alone could guide their deliberations to beneficial and happy results; and now by their action they had declared to those clergymen, "we can do without your services; we had rather dispense with them than to defend and protect you from insult and injury." Is this, continued, Mr. GEDDES, the proper conduct of this convention? Are we become so graceless that a minister of the gospel is not safe among us? When the convention for framing the constitution of the United States was in session, it is well known, that after much time had been spent to no purpose, and it had become apparent to all that they would not be able to effect anything;—in this hour of darkness and doubt and almost of despair, the sage, Franklin rose and offered a resolution for the appointment of a chaplain, to invoke the blessing of Heaven upon their

[41] This debate on Geddes' resolution is taken from the *Sangamo Journal*, July 29.

deliberations. The resolution was adopted, and what was the result? Concentration of strength, unanimity of action, and mutual concession of opinion, which eventuated in the adoption of the glorious constitution under which the union of these States was formed. Then, sir, glad angels on shining pinions winged their way up through the boundless fields of ether to the court of Heaven, and there proclaimed the joyful news that man in the new world had asked a boon of Heaven,—had asked the guidance and direction which Heaven alone can give,—and Heaven's high arches rung with sounds of joy, and Heaven's guidance was vouchsafed to their deliberations. Thus has it been from that time with all deliberative bodies who have acted in a similar spirit. But this convention is deserting the good old path; is departing from the counsels of the wise and prudent, and like one of whom we have read in scripture history, is carried away with vain conceits, and will finally, I apprehend, meet with a similar destiny.

But what heinous crime has been committed by the Reverend gentleman? Has he insulted officers, abused our members, spoken disrespectfully of our doings? Nothing of the kind! But he has dared to do his duty, even when that duty compelled him to speak of the faults and follies of the men whom Illinois delights to honor. This is the awful offence which he has committed. He spoke of the demoralizing effects of war, and stated, it was said, that the returned volunteers were not free from its contaminating influence. He was solicitous that the wreath of martial glory which crowned their brows should not be sullied by immoral conduct; that the bright laurels so dearly earned should not be torn from their brows by their own intemperate hands; and that the monument, bright as gold, and more durable than marble, which they had reared for themselves, should not be overturned and trampled in the dust by their own rash feet hastening to do evil. And for this he was to be rebuked by this convention. He could see no impropriety on the part of the clergymen in referring to these things, but he thought that the conduct of members here admitted of no excuse.

Mr. GREEN of Tazewell, opposed the suspension of the rules, on the ground that we had by resolution invited the clergy to attend here—and that we had subsequently desired them not to

attend, because we could not protect them from insult; and it would be inconsistent now, and unjust to them, to go into the election of a chaplain.

Mr. WILLIAMS said, he hoped the resolution would be withdrawn, for another reason in addition to the one stated by the gentleman from Tazewell. He had at the commencement of the session passed a resolution under which chaplains had been procured, and they had rescinded that resolution, on the ostensible ground that it was wrong to invite them here to be subjected to gross insult.

The election of another chaplain would appear invidious. It would look as if the real object of rescinding the resolution, was to get rid of our chaplains and to procure others. He was, for this reason alone, in hopes the resolution would be withdrawn. If neither the sense of decorum and propriety of the individual members of the Convention, nor its rules, could secure our former chaplains from the rude and indecent insult offered by one of its members, what guaranty could we offer to a new chaplain that he would not be subject to similar insults? Until the Convention asserted the power of compelling its members to behave themselves with propriety and decency, he was opposed to the appointment of a chaplain.]

Mr WEST asked a suspension of the rules, to enable him to offer a resolution in relation to the apportionment of counties, and the Convention refused to suspend.

Mr. Z. CASEY moved to suspend the rules, that he might offer the following resolution, and the rules were suspended:

Resolved, That fifteen hundred copies of the journal of the Convention be printed for distribution among the counties.

Messrs. THOMAS and DAVIS of Montgomery opposed the printing of more than a single copy.—Messrs. CASEY, HAYES, ARCHER, LOCKWOOD, CAMPBELL of Jo Daviess, CHURCH, SHERMAN and others advocated the adoption of the printing, and after debate, the resolution was adopted.

Mr. THOMAS moved to suspend the rules, to enable him to offer a resolution, that a committee be appointed to divide the state into three grand judicial divisions.

Mr. CAMPBELL of Jo Daviess thought the gentleman from Morgan rather hasty with his resolution. The Convention had not *decided* yet, whether there would be any "three grand divisions," and the resolution was perhaps a little premature.

The Convention then refused to suspend the rules.

The Convention then resolved itself into commit[tee] of the whole, and resumed the business before it yesterday. The question pending was on the amendment of Mr. WEAD, and being called thereon, it was decided in the negative. Yeas 50, nays 79.

Messrs. LOCKWOOD and MARSHALL of Mason, presented amendments, which were adopted; and Messrs. KITCHELL, SHUMWAY, JONES, ROBBINS and PALMER of Macoupin amendments, which were rejected. After which, the section as amended, read as follows:

"The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of said supreme judges, for the term of six years. The Legislature may, from time to time, alter said divisions, previous to any general election for judges of the supreme court, so that each of said divisions may contain, as nearly as may be, an equal number of inhabitants; and also, each division shall contain territory, as nearly as [may] be, in a compact form; and *provided*, that such changes or alterations shall not be made at any other time, than is provided for the apportionment of members of the General Assembly."

And the question being taken thereon, it was adopted. Yeas 80, nays not counted.

SEC. 5. The Secretary of State shall, in the presence of the same person or persons, draw the names of the said justices by lot; the justice, whose name is first drawn, shall be chief justice, and hold his office for six years; the second drawn shall hold his office four years; the other, two years; and each until his successor is commissioned and qualified. Thereafter, an election shall be held every two years, on the first Monday of March, for one judge of the supreme court, who shall hold his office six years, and until his successor is qualified. After the term of the first chief justice expires, the justice oldest in commission, shall be chief justice.

Mr. WEAD moved to strike out the section, and insert the following; which was carried:

SEC. 4. [5?] The office of one of said judges shall be vacated in two years, of one in four years, and of one in six years; to be decided by lot, so that one of said judges shall be elected once in every two years. The judge having six years to serve shall be the first chief justice, after which, the judge having the oldest commission, shall be chief justice.

SEC. 6. One term of the supreme court shall be held annually in each judicial circuit, at such time and place as may be provided by law.

Mr. WEAD moved to strike out the section, and insert—"the supreme court shall sit at least once in each year, in each of the three grand divisions in this state, and in such other places as may be prescribed by law."

Mr. WEAD advocated the amendment, which while it made it imperative for the court to sit at three different parts of the state during the year, also, left it in the power of the Legislature to increase the number of those sittings, as the convenience and interest of the people required.

Mr. KNOX would like to know from the gentleman, if his amendment did accomplish his end, or if it did not do too much. What "other places" did he intend the court should sit in, that were not comprised in the three divisions? Did he mean to send the supreme court to Iowa or Oregon?

Mr. HENDERSON advocated the section as it stood, and was in favor of twelve circuits and the supreme court to visit each, during the year.

Mr. DAVIS of Montgomery would be in favor of the larger number of circuits if the salary allowed the judges had been sufficient to support and remunerate them for the expenses of travelling and of board while from home.

Mr. HARVEY advocated the larger number of circuits, and the supreme court to visit each, during the year.

Mr. KINNEY of Bureau was opposed to the larger number of circuits, and in favor of the amendment.

Mr. DAVIS of Massac hoped the amendment would pass.

Mr. WEAD modified his amendment to avoid the difficulty

suggested by Mr. KNOX, and replied at length to the remarks of gentlemen who had opposed its adoption.

Mr. CAMPBELL of Jo Daviess opposed the three judicial districts as not sufficient for the convenience of the bar and the people, whose interests they represented. He was in favor of at least five districts and five judges. He admitted the salary allowed them was not sufficient to allow them to travel over the whole state. He thought the Convention ought to fix in the constitution the number of judges and the number of districts; and were it not for the palpable injustice of the act—to compel men who received only such a salary as we had allowed them, to travel the whole state, he would be in favor of the supreme court sitting in each district in the state.

Mr. HAYES advocated the smaller number of districts and replied to the other gentlemen.

Mr. CALDWELL was in favor of the amendment and opposed to the supreme court travelling over the whole state. He thought once a year in each of the three divisions quite sufficient.

And, without taking the vote, the committee rose, and then, on motion, the Convention adjourned till 3 P. M.

AFTERNOON

The Convention resolved itself into committee of the whole.

Mr. LOGAN addressed the Convention in an argument in support of one central supreme court, to meet at the capital of the state, and presented its advantages and benefits at length. In conclusion, he said that he would vote as for a compromise for the three sittings—once in each division.

Mr. ATHERTON (during the speech of Mr. L.) rose and demanded the enforcement of the half hour rule.

The rules were suspended and Mr. L. proceeded.

Mr. ATHERTON explained his reason for his demand to be, that Mr. L. had occupied three times as much of the time of the Convention as any other member had, and his long speeches had already cost the state $10,000. Moreover, he had complained to Mr. L. a few days before, of the great loss of time by long speeches, and that gentleman told him in reply, "why don't you enforce your

rule and cut them off." He therefore had followed the advice in the present case.

Mr. DEMENT addressed the committee for nearly two hours in opposition to the amendment. He thought that the debate had wandered from the question, and would endeavor to give it a new turn. He did not think it a question in which lawyers alone were concerned, but one of vast importance to the people, at least one in which the people he represented felt a great interest in. From the debate between the several members of the bar it had been hinted that the less the number of circuits for the supreme court, the more advantageous it would be for the older and more experienced members of the bar, because those from a distance could not attend, for so small a fee, to the case of their client at Springfield, as could a lawyer who resided here, and consequently the people had to intrust all their appeal cases to those who practice in that court. This was unjust to the younger lawyers, and unjust to the people. The people desired to have the courts, wherein the cases in which their rights and interests were involved, brought as near them as possible, and that they could attend it and give their personal aid and attention in assisting their counsel. This could only be done by having a large number of districts, and the supreme court to visit them all in each year. Many gentlemen seemed disposed to favor the amendment because of the low salary allowed to the judges. He admitted that $1,200 was not sufficient for them, when we compelled them to traverse the state, but thought it was no argument against our devising the best plan for the convenience and interests of the people, and the system which would be most satisfactory to them. If we adopted the plan which would enable the people in all parts of the state to have the facility of justice, by bringing this supreme court near their door, he appealed to the whole committee whether any man should hesitate a moment in raising the salary of each of the three judges to $1,500—increasing the annual expense but $900. Must we deny the people the great benefits of the system of a large number of districts, because of the miserable sum of $900 additional tax? He thought not; nor did the people expect such economy. On this subject the people felt a great interest, and he warned gentlemen that it behooved them to engraft some-

thing into the constitution that would be satisfactory enough to the people to induce them to overlook other provisions not at all acceptable, and which, unless such popular systems as this are adopted, would probably defeat the constitution. The argument that appeal cases would increase if the number of districts was enlarged, was, in his opinion, rather in favor of the plan than against it. If cases were worthy of an appeal, justice required that the means of prosecuting that appeal should be placed as near the reach of the party desiring it as possible. The member from Sangamon had said, that lawyers who practised in the supreme court do not charge more than those in the circuit. This might be easily accounted for. That member resides here, and he can afford to attend a case before the court here for much less than can a man who has to come two hundred miles, to leave his home and business, and remain here probably six weeks, waiting for the case to come on. The consequence of this was, that the clients in the country were unable to pay the attorney the sum required for such a duty, and often abandoned the appeal, sooner than bear the expense or entrust a lawyer with it, to whom he was a stranger. He was in favor of throwing open to the whole profession a competition for the fees of attending to cases in the supreme court, and that there should be no monopoly. He objected to the amendment, because there would be certain localities selected in each of the divisions, at which it would be as inconvenient for the people and their lawyers to attend as if the court was held here alone. In the northern district, Chicago would be selected, as perhaps it ought to be; and he would ask, would it not be more inconvenient for a large portion of the district to attend there, than it would to come to Springfield? Again, where would be the place in the southern district at which the court would sit? Would you have it on the Mississippi? What would the people of the Wabash counties think of its convenience? Would you put it at Shawneetown; would not the people of Alton prefer Springfield as the place, sooner than go there. The only way to meet the difficulty was to hold a session of the court in each circuit, and let that number of circuits be large. Let them be held at Chicago, Peoria, Galena, Quincy, Springfield, Alton, Shawneetown, Danville, and such other places as would

meet the convenience of the people. They would be satisfied with this, and it was our duty to have the constitution as satisfactory as possible. The member from Gallatin had said, the court, if the state was cut up into small districts, would often have but a single case to try in a circuit, which would be a contemptible business for the supreme court. He could not see how it would be derogatory to a court, elected by the people, and paid by the people, to go any where the convenience of the people required them to go, for the purpose of trying even one case. The court would be physically competent to the task, and if we paid them sufficient we could obtain men to do it. He did not think that we could get the best lawyers at any salary, nor did he believe that, if we said the court shall meet but once a year, and that here for six weeks, we could get the pick of the bar. But we still might get good judges, and men mentally competent to the duty.

The gentleman from Sangamon said that you could not elevate the court above the character and standing of the bar that practised before it, and the conclusion he (Mr. D.) drew from this, and from that gentleman's opposition to the large number of districts, was that he considered it would be lessening the dignity of the bar to be brought down to the level of the lawyers in the counties, and that then the court would be brought down in its dignity to the same level with the bar. What other conclusion could one come to from the remark, except that the supreme court lawyers would be degraded by associating with a class of lawyers who had never practised in such a high court, and consequently the court being brought to the level of the bar would become less dignified. He did not think this would be the case but that both lawyers and court would be elevated by the association. He associated the gentleman from Gallatin (Mr. CALDWELL) so far as his remark that the court would become contemptible, if it descended to sit and try one case, with the member from Sangamon, and he sincerely hoped that they were not associated any further.

Mr. D. then entered at large upon the subject of the election of the supreme judges by the whole people, as compared with the election by districts. He thought the only argument in favor of the district system was a want of confidence in the people, a

doctrine to which he never subscribed, and would never support. Should this district system be finally adopted and they went home to the people, what answer could they make, when the people said —you allowed me by this constitution you have adopted, the right and privilege of voting for the judge of the circuit court, why did you withhold from me the right to vote for the two supreme judges who decide my case? The only answer the friends of this system could give, would be "I could not give you that right, I could not trust you with such a power." This was a variation on the part of some gentlemen from their long known and well established opinion of full confidence in the people on all subjects. He examined at length the subject of the election by districts and its probable political bearing and results, and concluded by remarking that he would vote for the three judicial districts in case he could get no better.

Mr. DAVIS of Massac said, that the committee would do him the justice to say that he never detained them for any length of time in expressing his views, and that he addressed them but seldom, and he now assured the committee that nothing but what he regarded [as] a systematic attack upon him, and that attack, too, from a quarter where he little looked for it, would induce him to address the committee again on this question. He therefore asked the attention of the committee for a few moments while he would repel the systematic attack that had just been made upon him and upon those of his friends who had acted with him on this question, for some cause or another which did not appear. Yesterday he had done what he considered his duty. He had opposed a plan which he thought full of danger and ruin, and for this had drawn down upon his head the anathema of these gentlemen who insinuate that my course would indicate that there was "something rotten in the state of Denmark," which their perceptive faculties will not allow them to penetrate. Sir, there is a great and important question before the committee, of the utmost interest to the liberties and rights of the people of the state, and to affect them for all time to come, and upon it I did not expect to be denounced for taking a position I thought best calculated to advance the people's interests, nor to be abandoned by the exclusive advocates of the rights of the people. He had said

yesterday that upon this subject his own opinions were opposed to an elective judiciary, but that he had given up his own opinions to that of the people, and to their demand, and in doing so had followed the example of the apostle of democracy, Thomas Jefferson, who has said that in all doubtful questions give way to the majority. And yet, sir, they say that he (Mr. D.) had abandoned democracy and the people. He would say to them that, upon this great question, one which was to secure a free, independent judiciary, so vitally important to the people, they had abandoned the true interests of the people, and were found fighting in the ranks of the enemy. He would say to those who charged him with deserting democracy, to go back into history and search there, let them read more, study more, and try to understand what they do read, and then they will be better able to come here and tell us what is democracy. He would ask them to go back to the days of Washington. No such doctrine as the election of judges was taught then, go to the days of Jefferson—the first man who lisped the name of democracy in our country—and he asked them, was this election of judges by general ticket taught then? No, sir, no. It was the doctrine taught by men anxiously looking for the spoils. Let them read more and then tell us if spoils be democracy! He was opposed to the general ticket system because it afforded such inducements to men. If it be democracy to look out for the spoils of office, then he was no spoilsman, and belonged not to such a democracy. He would not have alluded to this subject had it not been for what was so evidently a systematic attack upon him for some unknown cause. He did not think that so humble a man as himself could have been the sole object of this studied attack, but there must be some causes which did not appear, and unless he was much mistaken, it authorized him in saying that there was "something rotten in the state of Denmark." He battled for principle and upon these other matters he cared not to break a lance with the gentleman from Lee, although there were some in the other party, who might not be so well able to defend themselves from the charge of a change in political principles. He had opposed the general ticket system because he saw in its results a judiciary swayed by political influences and corrupt motives, which he thought would be prejudicial to the interests and rights

of the people, and when the gentleman from Lee said that he opposed the district system he it was that attacked the rights and liberties of the people in the most vital point—a pure judiciary.

Mr. DEMENT explained.

Mr. DAVIS said, well, sir, the gentleman voted against the motion to strike out the general ticket system, he voted for a system that did affect injuriously the people.

Mr. DEMENT said, that he did vote against striking out the general ticket system, and would vote for the appointment of the judges by the Governor and Senate in preference to the district system. While up he would ask the member from Massac, if he alluded to him when he spoke of persons having changed their principles?

Mr. DAVIS. No, sir, no; but there are those in the Convention who may, peradventure, have an opportunity of making an explanation upon that subject before the adjournment.

Mr. DEMENT would ask the gentleman another question. Did he allude to him as one of those who had made a systematic attack upon him? If he did he was mistaken.

Mr. DAVIS said, that he was not a man to back out of what he had said, or to avoid its consequences, he would inform the gentleman that he did allude to him. But his disclaimer was sufficient.

Mr. DEMENT said, the gentleman was mistaken, they had been friends and had always acted together and he would be the last man that would attack that member, or throw a fire-brand into the Convention.

Mr. DAVIS said, that he was glad to hear the gentleman say that he had no desire to throw fire-brands into this Convention, but it is strange, sir, what events will occur in a short time. Before this Convention met he understood that the opinion of a large majority of the people of this state was in favor of a total prohibition of banks; but when we come here we find out that the people have an opinion on this subject, and that there are some who think that the people have a right to be heard on the subject, and then sometimes we hear certain gentlemen declare that John Thompson has the right to control them. There was another thing said which was almost beneath notice. He had heard it on the stump, by wild political demagogues, but it was something

not to be expected from a gentleman, or in a constitutional convention—it was the miserable cant about lawyers. He would tell them to go to English history if they knew nothing of, or did not place confidence in American history, and read what was written there about the men who first nursed this republic into existence. Let them go to John Adams, to Jefferson, and see what they—lawyers—did for the country, and even what English history says of their efforts for the country. Let them read of Madison, of Monroe, of John Quincy Adams and of General Jackson, who, though endeared to the people by his achievements as a military chieftain, was a lawyer, let them see what these men, all lawyers, did for their country; let them, before they make attacks upon that profession, first read a little history.

He would say a few words upon the question now before them. What was proposed by the system of twelve circuits for the supreme court to travel. The judges were to be taken away from their homes to travel this whole state, the year round; no time allowed them for reading, for study, for examination, or for preparation for one of the highest and most important duties that can be conferred upon man—the passing upon the lives and liberties and property of his fellow man. It was acknowledged that the pay we had allowed them was insufficient, but *pay* was no argument with him. All history told them that a man to discharge that duty well, must have time for preparation. All experience had shown that no man, even with a genius as bright and effulgent as the noon-day sun, could perform the duties of that station, which requires years of constant reading and study to become qualified, without time for preparation for its offices. It is the supreme court of our state; it should be a dignified, enlightened, upright, and an honest supreme court, or the judiciary sinks into insignificance. He was not in favor of spreading the supreme circuits all over the state and into every county, to enable small petti-fogging lawyers to bring cases into the supreme court, not knowing or caring whether the law was with them or not; but merely for the purpose of having a case in that court.

Mr. D. gave way, without concluding, for a motion that the committee rise; which was carried. And then, on motion, the Convention adjourned.

Mr. FARWELL presented a petition of citizens of Stephenson county for the appointment of a state superintendent of common schools. Referred to the Education committee.

Mr. SERVANT, from the committee to which was referred the petition of citizens of Kaskaskia, in reference to their "common fields," reported an amendment securing to them the same rights as are now guaranteed with respect to those lands, with additional power to lease or sell the same by a vote of the inhabitants interested. Laid on the table and two hundred copies ordered to be printed.

The Convention went into committee of the whole on the amendments to the sixth section of the report of the Judiciary committee, pending at the adjournment yesterday.

Mr. DAVIS of McLean addressed the Convention in favor of holding the supreme court at the seat of government.

Mr. HARVEY replied, and advocated the holding of the supreme court in every judicial circuit.

Mr. WILLIAMS replied to Mr. HARVEY, and advocated a central supreme court.

Mr. KNOX followed and advocated the striking out of the sixth section of the report.

A vote was then taken on striking out. Lost—yeas 58, nays 61.

Mr. ECCLES moved to amend the section so as to provide that if the people desire it, the courts may be changed from the circuits to the seat of government or to one point in [each?] one of the grand divisions. Change to be made not oftener than once in six years.

Mr. HARVEY moved a substitute; which was not agreed to.

Question recurred on Mr. ECCLES' amendment.

Mr. CALDWELL offered a substitute, so as to provide that one term of the supreme court should be held at such time and places as may be provided by law.

Mr. CAMPBELL of Jo Daviess made a speech in opposition to imposing restrictions upon the Legislature in reference to the matters under consideration.

Mr. GREGG spoke against the re[st]rictions which the amendments were calculated to impose on the Legislature. He was willing to leave a little discretion to the Legislature to change the system to suit such a change of times and circumstances as might take place. He had confidence in the people and believed that they understood and would promote their own interest.

The vote being taken the substitute was not agreed to.

An amendment to Mr. E's amendment was moved and lost.

Mr. SHUMWAY moved to strike out "the seat of government." Lost.

Mr. KINNEY of St. Clair moved a substitute so as to prevent the Legislature from authorizing the court to be holden in less than five different places in the state. Lost.

Mr. CAMPBELL of Jo Daviess offered as a substitute, "so as to provide that the Legislature should change the places of holding the courts as the interests of the people might require." Lost.

Various amendments were then offered and voted down.

The question recurring on Mr. Eccles' amendment it was agreed to—yeas 72, nays 51.

Section 7 was then taken up.

Sec. 7. There shall be twelve judicial circuits, which may be increased from time to time as the Legislature may provide.

Mr. SHUMWAY moved to strike out "twelve," and insert "nine."

Mr. CALDWELL moved to strike out "section seven" and insert the following:

Sec. 7. The state shall be divided into twenty judicial circuits, in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified."

A discussion arose upon this proposition; pending which the committee rose, reported back the report with amendments, and asked the concurrence of the Convention.

[Mr. DAVIS of McLean,[42] advocated the establishment of the Supreme Court at the Seat of Government. He was utterly opposed to its being held in circuits; at all events, he said, the number of places at which it should be held ought not to exceed three. The experience of other States in regard to this matter was strictly conclusive to his mind against the practicability of multiplying the number of places where that Court should be held. He referred to the States of Missouri and Tennessee, where the experiment had been tried, and where it was ascertained that correct decisions could not be obtained in that way. The arguments of gentlemen who had adverted to the practice in Massachusetts, as an example to be followed in this State, were of little force, inasmuch as the condition of things there was entirely different. There they had good libraries in all parts of the state, and every requisite facility for holding the court at different places, which was not the case in this state, but he entirely disapproved of the system as pursued in Massachusetts; he considered it highly objectionable under any circumstances. The decisions of the supreme court were the law of the land, and great care should be taken to make them as perfect as possible, by having the best judges that could be obtained, together with every aid to be derived from books and arguments of able counsel—and this could never be accomplished if the supreme court was made a travelling court and required to give its decisions in the various districts of the state. The increase of litigation under such a system would also tend to embarrass the court, and to render their decisions hasty and imperfect. Gentlemen might impute to him motives of personal interest in this matter, but he could with truth assert that personal considerations had no weight with him whatever. He preferred the practice in the circuit court and could not be induced to relinquish it in favor of the supreme court.

Another consideration, which was entitled to much weight, was, that if a number of circuits were established for the supreme court, competent judges could not be obtained; for the salary that was proposed. Even two thousand dollars a year would not

[42] This debate by Davis, Williams, Knox, and others, is taken from the *Sangamo Journal*, July 29.

justify a man who was well qualified for the office in accepting it, if he were obliged to travel all over the state. He hoped at all events, that the committee would see the propriety of providing that the number of places at which the supreme court should be held, should not exceed three.

Mr. WILLIAMS said he felt some solicitude in this matter, and it was a question in which all the people of the State were deeply interested. He did not concur in the objections which some gentlemen seemed to entertain, that by fixing one, or even two or three places only, for the sitting of the Supreme Court, they would be depriving any portion of the people of the benefit of the supervision and control of that court over the inferior tribunals of the country. It was not proposed that in doing this its jurisdiction should be limited to one district or to one county. The only question was, where that court could best hold its sessions for the supervision and control of the decisions of the inferior courts. Gentlemen had argued the question as if they apprehended that by fixing it at one, two, or three places only, the benefits to be derived from it would be but partial, and would not extend equally to the whole State.

The gentleman from Knox (Mr. Harvey), had told the committee that it was to him immaterial whether the court should be held here or at Quincy. The gentleman then, did not require that it should be carried throughout each circuit; carried, according to the popular phrase, to each man's door. It was only necessary then according to the gentleman's showing, in order to secure every portion of the State the benefits intended to be secured by the establishment of a supreme court that its jurisdiction should extend all over the State, and that any person, when injustice was done him by the decision of an inferior court, should have a reasonable opportunity to have that decision reversed by the supreme court. It had been well remarked by the gentleman from White, that parties litigant would have no occasion to bring their witnesses to attend the supreme court; the court acting only upon the record, determining the points reserved for its decision which were thought to be erroneously determined by the inferior court.—Where was the necessity, then, for carrying that court into different counties or circuits? Did gentlemen expect that all

the suitors in the circuit would attend at the place of holding the supreme court? There was no necessity for their doing so. The attorney did not require to be advised by his client regarding the points observed for the decision of the supreme court. He could attend the case just as well without the presence of his client.

It was important that there should be a supreme court for the purpose of correcting the errors committed by the inferior courts. It was important that that court should be upright, intelligent and independent; and it was also important that it should have an opportunity of investigating every case that might be presented; it was important that the judges should be men whose learning, intelligence and wisdom, would afford all the facilities for enabling them to arrive at just conclusions. How was this to be effected? By sending the judges hurriedly around the State and requiring them to decide cases hastily and without the aid of books for reference, which were not to be obtained at all places, or by holding the courts at one or two places where access might be had to libraries? Would any one say that the probability of obtaining a correct judgment was not in favor of having the court established at one or two places, instead of sending persons around like missionaries without affording them time for investigation, without affording them the aid of precedents and authorities which were to be found only in libraries, and suffering them to be influenced by clamors to be raised by the suitors? If this was the course to be taken, he thought the result would be immature decisions, and a consequent insecurity of the rights of the parties litigant. But if the court were allowed to hold its sittings at one or two places only, there would be an opportunity for investigation, and a correct line of decision might be relied upon. The gentleman from Knox had argued unfairly. The precedents to which he had referred in support of his plan for a perambulating court, were in fact of a different character from the court of which he was speaking. The gentleman had remarked that the justices in England had their circuits in which they held courts at different places; but the gentleman did not draw the distinction between the trials of cases at *nisi prius* in which the justices were sometimes engaged, and the determination of cases in *banco regis*, which was analagous to our supreme court. Justices of the king's bench, it

was true, had circuits for the purpose of holding the trial of cases at *nisi prius*, but they afterwards met at Westminster Hall in *banco regis*, and there determined cases arising in all parts of the kingdom. The gentleman had also stated that the judges of the supreme court of the United States traveled round in their respective circuits. So they did; but not for the trial of appeals, they traveled as circuit judges; appeals were carried to them at Washington. The sitting of the supreme court was always held at Washington. The examples adduced by the gentleman were against his position, they proved exactly the reverse of that which the gentleman desired; and unless the gentleman was prepared to take the ground that the supreme court of the United States ought to be required to hold court in each State, then he must abandon the position as to any analogy between the cases. The gentleman told them also, that the judges of this State had heretofore gone round; so they had, for the purpose of holding circuit courts, and complaints innumerable had come up from the people of improper decisions; everybody was tired of the system, and thought that it ought to be abandoned. The people almost with one acclaim, had said we want supreme judges. He believed there was no instance, with the exception perhaps of the New England States, with whose history in this respect, he was not very familiar, of a supreme court holding its sittings in every circuit. In Missouri it was once tried, not holding them in every circuit, but in four different places; but after some little experience in this practice, they changed it and fixed the court permanently at one place. Some regard he thought was due to the experience of Missouri in this matter, and the practice which had prevailed in all the States west of New England, was entitled to consideration, rather than that of New England herself; for it would be remembered that New England was densely populated, and that the place at which the court was to be held might be reached in one day's travel; and good libraries were to be found in every county in the State. There was not the same reason then for holding the court at one particular point, while every requisite facility was afforded them at various places and where less travel was required. Again, in relation to the convenience of the lawyers, for he apprehended after all, that the object was to draw the

practice from the supreme court into different hands; he agreed with the gentleman from White, that there ought to be free trade in this matter as in other things, and however it might seem to savor of a disposition to please the popular taste, to which he would never pander, he must be permitted to say, that it was not only necessary to have experienced judges, but it was also necessary to have able lawyers on the circuit. It was not equally important he admitted, to have able lawyers, as to have able and upright judges; but it was highly necessary to have able lawyers, and if the single result of keeping pettyfogging lawyers out of the practice and could be attained, it would redound to the credit of the people of the State. But it was said that a lawyer coming from a remote part of the State, had to remain a long time waiting before they could get the ear of the court. It might be so with those little lawyers who came with little cases, but it was not so with those who came with a reputation, and whose briefs made it worth while for the court to attend to them. If a lawyer prepared his case as he should do, though there might be some delay, there would not be sufficient to justify complaint.

He was prepared to meet gentlemen on middle ground in regard to this matter. He was prepared to agree that the legislature should have power to fix places for holding the supreme court hereafter, when experience showed that there was necessity for change. How many circuits were there to be? One report recommended twenty, and another twelve. Gentlemen might say what they pleased, it was well known that carrying the court into every circuit would greatly increase litigation. He did not say that it would increase the number of original cases; but it would increase the number of appeals. Every case that was susceptible of appeal would be carried into the supreme court, and its business would be greatly and unnecessarily increased. Three places, then, he thought, would afford ample opportunity for conducting with advantage the business of the supreme court.

He had been the more solicitous in regard to this matter, because he knew that there was something pleasing in the idea of having justice carried to every man's door, and the advantages of having the court permanently fixed in one place, were apt to be overlooked. There was another reason why he felt apprehensive

about this amendment. They were divided concerning this system of establishing the supreme court into three parties. One set of gentlemen were desirous of having three divisions of the State; another set desired to have the judges elected by general ticket; and another, wishing to have the judges elected by districts, and not appointed by the Governor, and each were unwilling to perfect the other system; consequently they had to fight first against the enemies of the system, and then against those who were allured with the idea of carrying home justice to every man's door. It was for this reason that he felt a solicitude for the fate of the amendment, involving, as it did, all that was valuable in the supreme court.

Mr. KNOX said he rose to make a single suggestion in regard to a matter which he believed had not been adverted to. This committee had decided that the supreme court should consist of but three judges. The proposition contained in the report of the majority of the judiciary committee which it was proposed to strike out was, that "one term of the supreme court shall be held annually in each judicial circuit," and the report went on to provide "that there shall be twelve judicial circuits, which may be increased from time to time," &c., and the minority report provided that there shall be twenty judicial districts. It would therefore be necessary for the three justices of the supreme court, if this section should be retained, to hold their courts in all these different circuits, and it was admitted on both sides of the house, that if the terms of the court were held in these different judicial circuits, the business of the court would be materially increased. The gentleman from St. Clair in his argument yesterday, took the ground that it was necessary that the court should be holden in the several districts to give the lawyers of those districts an opportunity to conduct their cases, which they would not be able to do if the court was held at one place for the whole State. The whole tenor of the arguments on that side went to convince him that, under the circuit system there would be great increase of litigation. The great and moving cause for calling the convention of the State of New York was, that the courts that existed in that State were entirely incompetent to dispose of all the business before them. Twelve years ago the supreme court of the State

of New York was at least two years behind in disposing of the business which was already before them; and it was a subject of complaint, that suitors in a supreme court were not able to have justice done them, and many suits were not carried on which would have been provided it had been able to dispose of its business; and gentlemen of the bar would understand him when he said, that the crowded state of the business at that time gave occasion for voluminous and interesting reports, to which, if gentlemen would refer, they would find a rich vein of judicial decisions, for which they might look in vain to the records of subsequent times.

If they would look back then to the reason for calling the State Convention of New York, which was to change their judicial system, it might give them some reason to fear that with three judges, and no power to increase their number, whose duty it should be to perambulate the State and hold courts in twenty districts, they would be unable to discharge the duties that would be assigned them, and to investigate and decide upon all the important matters that would be brought before them. It was for this additional reason, with others which had been already assigned by gentlemen in this discussion, that he was in favor of striking out the sixth section of the majority report. If it were necessary to provide for holding courts in all these circuits, then it would be the duty of the convention to provide for increasing the number of judges of the court; otherwise it would not be many years before it would be necessary for a convention again to be called for the purpose of remedying the evil which would necessarily attend such an arrangement.

The question being taken on striking out the 6th section, it was upon a division, decided in the negative.—Ayes 58, nays 60.

Mr. ECCLES offered a proviso to the 6th section, giving the legislature power to change the place of holding said courts from the circuits to the seat of government, or to one point in each grand division as heretofore provided for, and said change not to be oftener than once in six years.

Mr. ECCLES said, that the object of his amendment was, that if upon a trial of the operation of holding the supreme court in each judicial circuit, it was found not to work well, there should be vested in the legislature the power either to bring it back

to the seat of government, or if it were thought more advisable, more advantageous to the interests of the people, to establish one in each of the grand divisions of the State. Upon the face of the proposition it seemed to promise that it would work well to establish a supreme court in each judicial circuit; but it must be remembered that the system was as yet, an untried one in this State; and it must also be remembered that our judicial system had hitherto worked badly in every phase in which it had been tried. This would be an entirely new experiment, we were not only going to elect our judges, although a large portion of the convention did not think it would work well; (he for one did) and they were establishing a rotary court also. He was in favor then of providing in the constitution that the supreme court should be held in each judicial circuit; and for providing also, that if it were found not to work well, they might retrace their steps so far as to locate the court at one point, in each grand division of the State at least. He thought this would accomplish the purpose which the gentleman from Gallatin desired.

Mr. KITCHELL said, he agreed with the gentlemen from Fayette in the opinion, that it was not desirable to fix this matter unchangeably in the constitution.

He was in favor of holding the supreme court in each judicial circuit, because he thought it would tend to the greater accommodation of the people. He thought it would be well, however, to provide that the legislature might hereafter, if it were found necessary, re-arrange this matter. He offered an amendment for that purpose.

Mr. CALDWELL offered a substitute for the amendment, providing that the terms of the supreme court should be held as directed by law.

Mr. CALDWELL briefly addressed the committee. He was desirous he said, that justice should be brought as near as possible to every man's door, and that could only be done by having a greater number of judicial circuits than we had heretofore had. Anyone who was familiar with our judicial system up to the present time, must be aware that the circuits were too large. For the purpose of bringing the courts nearer to the people, and of increasing their consequence and usefulness, he was in favor of

the number of judicial circuits proposed in the minority report. It was circuit courts that were required for the convenience of the people. The supreme court was of less importance to them.

Mr. CAMPBELL of Jo Daviess was in favor of having four judicial circuits in the State, and five judges; and he trusted that the effort to accomplish this object hereafter might not be unsuccessful. With regard to the present amendment, he was in favor of it with one exception. He believed it would give to the legislature power of creating one supreme court to be held at the seat of government. He was against reposing this power upon the legislature at any time, and he was equally opposed to restricting the legislature unqualifiedly to the circuit system. He did not wish to tie up the hands of succeeding legislatures. If the circuit system should prove itself inadequate for the purpose for which it was intended; if, instead of facilitating the administration of justice, it proved oppressive to the people, he desired that the legislature should have power to change the system as time and experience might dictate.

Mr. GREGG said, it seemed to him that it would be wrong in this convention to undertake to judge as to what would be the proper system for all future time. They could not possibly know whether the particular system which they might be disposed to adopt, would work well or not. He was willing to trust somewhat to the legislature in the management of this matter. He thought they might safely confide in the discretion of the representatives of the people to make such alterations hereafter as the public good might require.

Mr. HARVEY moved a substitute for Mr. Eccles' provision, which was rejected.

Mr. KINNEY of St. Clair moved the following amendment:

But the legislature may change the time and place of holding the supreme court, provided that it is not held in less than five places in the State; such change, however, not to be made oftener than once in six years.

Mr. KINNEY observed, that if the system should not be found to work well, the proper time for alteration to be made by the legislature would be at the time of the election of judges; and he thought that the substitute which he offered would meet the

approbation of those who had expressed themselves in favor of a smaller number of circuits for the supreme court. He believed that almost every gentleman who had addressed the committee was in favor of having the supreme court held in every district in the State, but they were opposed to having this matter fixed so that it could not be changed in case the system was found to work badly. The amendment which he had proposed would obviate this objection; and if at any future period after the experiment had been made, it should be found that this system did not satisfy with the wants of the people, it might be changed by the legislature. He thought that five places for holding the supreme court would be few enough; it would bring that court nearer to the people than if it were confined to three judicial circuits, and would be infinitely preferable to confining the court to a central position at the seat of government.

Mr. DAVIS of Montgomery said he had sat patiently waiting in expectation that the committee would take some action upon this part of the report, but he could see but little prospect of coming to a decision, for if one amendment had been offered, he believed there had been fifty, and he had come to the conclusion which some gentlemen in the convention who were older than himself had arrived at some days ago, that the deliberations of this convention would never lead to any good result. They had sat for two months, and had now before them the most important report that had been, or would be made by a committee, and after being engaged upon it for several days, they were as far from being through with it as when they commenced. There seemed a manifest disposition to evade by a multitude of amendments and long speeches the adoption of any part of the report as it stood. The report did not seem to meet the concurrence of any two members of the convention; indeed, he believed that it had not been concurred in by more than two members of the committee from which it was reported. I believe, continued Mr. DAVIS, that I understood you, sir, [Mr. SCATES being in the chair,] as saying that you did not endorse the report itself. Sir, I am in favor of the report of the minority, because, that has at least the concurrence of two members of committee. I believe that a proposition ought yet to be made to refer the whole matter to some

gentlemen of age and experience, I care not whether they are lawyers or farmers, that they may bring in such a report as will be a basis for our action, and then we shall be able to proceed with some sort of order and regularity; but I cannot content myself to sit here and see the convention fruitlessly endeavoring to put the present report into such a shape that they may all agree upon it. The people do not expect that in connection with making the judges elective, we shall set about tearing up all the fundamental principles of the judiciary department. For one, I heartily protest against the proceedings. I shall not make the motion for reference myself; but I do hope that we shall now pause and refer the matter to a competent committee, who may report something for our action, without wasting any more time.

Mr. BALLINGALL observed that as a member of the committee on the judiciary, it was within his own knowledge that the report did receive the concurrence of a majority of that committee.

Mr. DAVIS remarked, that he had not understood the chairman of the committee as saying that a majority had concurred; if they had, it seemed to him that they ought to be able to advance such reasons for the provisions embraced in the report as would satisfy the committee of the whole.

The question being about to be put,

Mr. WEAD said he hoped the Convention was not going to decide upon the number of circuits without a more full discussion and interchange of opinion. Mr. Wead proceeded to comment upon the propositions contained in the reports of the majority and minority of the committee on the judiciary in relation to the number of circuits. No subject, he said, which had come before the judiciary committee had been discussed more at length than the question of dividing the State into judicial circuits for the purpose of holding the supreme court. He had no desire to advocate one particular system to the exclusion of another, but from the discussion which had taken place before the judiciary committee, he had come to the conclusion that the way in which they could best meet the wishes of the people of the State, was to divide it into twenty judicial circuits at least. He had been at first in favor of dividing the State into twelve circuits, and for

establishing a county court for the transaction of probate business; but reflection, the discussion which was elicited in committee, and the long array of facts which was presented had satisfied him of the impracticability of that system; and he believed that if gentlemen would give their attention to the subject, they would arrive at the same conclusion.

Mr. WEAD proceeded at considerable length to advocate the proposition contained in the report of the minority of the committee.

On motion of Mr. EDWARDS, of Madison, the committee rose and reported back the reports, with sundry amendments and asked the concurrence of the convention therein.

Mr. EDWARDS moved that the whole subject be referred to a select committee of one from each judicial circuit.

Mr. MINSHALL moved to amend by making it two from each judicial circuit.

Mr. ROUNTREE moved to amend by making it three from each judicial circuit.

Mr. Z. CASEY said he should vote in favor of the motion of the gentleman from Madison, and trusted that it would prevail.

Mr. BALLINGALL opposed the motion. There was nothing remarkable, he thought, in the action of the committee. Nothing was more common than that a variety of amendments should be proposed. There was a majority of the committee on the judiciary in favor of the adoption of the amendment of the gentleman from Fayette to the report of that committee. Because the committee of the whole had thought proper to differ in some points from the majority of the committee on the judicary, was this a sufficient reason for appointing a special committee? The business would not be accelerated by it. If, as had been said, the gentleman from Fulton, had spoken to empty benches, that was no reason why the order of business should be changed. He hoped the committee would not arise; he thought it would be of no use whatever to obtain another report, and to commence over again the discussion upon it; it would be only jumping out of the frying pan into the fire.

Mr. EDWARDS of Madison said he thought that every member of the convention must be satisfied that no good purpose

could be accomplished by pursuing the discussion of this subject in the embarrassed situation in which the committee were now placed. Every gentleman must perceive that they were consuming time without the prospect of arriving at any definite conclusion. He would move that the committee rise and report for the purpose of referring the subject back to the judiciary committee or to a select committee, so that a proposition might be reported upon which they could act free from the confusion and embarrassment in which they were now involved. Whilst the gentleman from Fulton had been presenting to the committee views of the utmost magnitude, gentlemen would observe that nearly every seat was vacant, and little or no attention was bestowed upon one of the most important questions that could be presented to them. He moved that the committee rise and report.

Mr. SCATES opposed the reference.

Mr. KNAPP of Jersey was in favor of the reference to a select committee, and moved that the committee consist of nine instead of twenty-seven.

Mr. EDWARDS of Madison said he was indifferent as to the number. He would have proposed a smaller number himself, for he thought they would be more apt to concur readily. He would accept the amendment of the gentleman from Jersey as a modification of his motion.

Mr. WEAD said that in his opinion nothing was to be gained by a reference of this matter to a special committee; but if it were referred, it ought to be to a committee consisting of a greater number, because nine members would not give a fair representation of the State. The number proposed was entirely too small to consider a subject of so much importance; a subject involving so many conflicting interests. His impression was, that no good would arise from its reference; the proper place for deciding this matter was in committee of the whole.

Mr. MINSHALL was in favor of its reference to a select committee, but preferred that the committee should consist of a larger number than nine, and less than twenty-seven. He suggested eighteen as the proper number.

Mr. SERVANT was in favor of the reference to a select committee to be composed of two members from each judicial circuit,

and he trusted that those who were appointed on the committee would frame their report in accordance with the views that had been expressed by the committee of the whole.

Mr. DAVIS of Montgomery, was in favor of a reference to a select committee of twenty-seven, and he had no doubt from the discussion that had taken place, that the committee would be enabled to make such a report as would meet with the approbation of the committee of the whole.

Mr. Z. CASEY desired to suggest to the gentleman from Montgomery, whether his views would not be as well carried out by the appointment of a committee of nine members, as one of twenty-seven? He believed the present proposition was, that the committee should consist of nine; one from each judicial circuit. If this proposition were adopted each circuit would be represented, and all differences in the views of the members of the committee would be more readily reconciled, than if the committee consisted of a larger number.

Mr. KNOWLTON was in favor of the reference. The committee if appointed, he said, would, from the discussion that had taken place, understand pretty nearly the prevailing sentiment of the convention; and if they were willing to yield somewhat of each man's peculiar ideas; to abandon somewhat of pride of opinion in order to meet the wishes of the greater number; and to do that which would best promote the interest of the State; he thought they might easily agree upon a plan which would meet the concurrence of the convention. He thought that a select committee would best accomplish the desired object, and he was in favor of making the committee a large one; because the report of a large body would have so much more weight, that the convention would the more readily harmonize upon it.]

Mr. EDWARDS moved that the whole subject be referred to a select committee of one from each judicial district; which amendment, after being amended so as to refer the subject to a committee of three from each judicial district, was agreed to.

The following gentlemen were appointed the committee, under the above motion.

Messrs. EDWARDS of Madison, LOCKWOOD, DAVIS of Massac,

Farwell, Wead, Caldwell, Williams, Minshall, Manly, Spencer, Thompson, Ballingall, Henderson, Hoes, Evey, Logan, Scates, Kinney of St. Clair, Harlan, Constable, Knapp of Scott, Bosbyshell, Dement, Hurlbut and Kinney of Bureau.

And the Convention adjourned till 3 P. M.

AFTERNOON

Mr. EDWARDS of Madison offered certain articles proposed to be inserted in the constitution, in relation to the state debt; which were referred to the committee on Finance.

Mr. ARCHER moved the Convention resolve itself into committee of the whole on the report of the committee on the Organization of Departments; which motion was carried, and Mr. Z. Casey took the chair. The report was taken up by sections.

Sec. 1. There shall be chosen, by the qualified electors throughout the state, an Auditor of Public Accounts, who shall hold his office for the term of four years, and whose duties shall be regulated by law, and who shall receive a salary of one thousand dollars per annum for his services.

Mr. BUTLER moved to strike out $1,000, and insert $1,500; which was rejected.

Mr. DAVIS of McLean moved to add to the section: "exclusive of clerk hire;" which was decided in the affirmative.

Mr. EVEY moved to strike out $1,000, and insert $800. Rejected.

Mr. JONES moved to add to the section: "and no more." Carried.

Sec. 2. There shall be elected, by the qualified voters throughout the state, a State Treasurer, who shall hold his office for two years; whose duties may be regulated by law, and who shall receive a salary of eight hundred dollars per annum.

Mr. SHUMWAY moved to add to the section: "and no more;" decided in the affirmative.

Mr. LOGAN moved to strike out $800, and insert $1,000—yeas 44, nays 64. Rejected.

Mr. KENNER moved to strike out two years, and insert "four years." Rejected.

Mr. PETERS moved to insert after years: "and until his successor is qualified." Carried.

Mr. CHURCH moved to add to the section: "exclusive of clerk hire." Rejected.

Sections three and four, having been provided for in a former report, were, on motion, stricken out.

On motion, the committee rose and reported back the article, with the amendments, to the Convention.

The question being on concurring in the amendments, they were concurred in.

Mr. PETERS moved to insert after "years" in the first section: "and until his successor is qualified." Carried.

The question was put on the adoption of the two sections as article —— of the constitution, and decided in the affirmative.

Mr. SCATES moved it be referred to the committee of Revision. Carried.

Mr. ROMAN moved the report of the committee on Elections and Right of Suffrage be referred to the committee of the whole, and that the Convention go into committee on that report; which was decided in the affirmative, and Mr. HARVEY was called to the chair.

SEC. 1. In all elections every white male citizen, above the age of twenty-one years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of this state at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote except in the district or county in which he shall actually reside at the time of such election.

Mr. SCATES moved to strike out "citizen" in [the] first line and insert "inhabitant."

Mr. S. said, that he made the motion because he was in favor of admitting foreigners to the right of voting, provided they had, like other voters, resided twelve months in the state, and made a declaration of their intention to become citizens. He thought that men who came to this country as an asylum from oppression, and on account of a love for our institutions, should not be con-

sidered in the light of spies, or as mischievous persons, who had come here to operate dangerously with the privilege of voting. We had had an experience of a similar law, and found no evil resulting from it.—We placed all foreigners under the same burdens of citizens—we taxed them, we made them subservient to the laws, and compelled them to work on the road and perform all other duties of citizenship, and he saw no reason why we should deny them the right of voting, or refuse them the privileges of freemen. They made good citizens, and in the present war were found, even the unnaturalized, to be ready and willing to battle for the land of their choice. He thought the time proposed long enough for the probationary term.

Mr. GEDDES replied, and thought the law of the United States, requiring five years residence, a period not too long, and that we ought to follow it.

The question was then taken on striking out, and decided in the negative.

Mr. ROMAN moved to insert after "constitution:" "or who has filed his declaration of his intention to become a citizen of the United States, according to the laws thereof."

Mr. GEDDES moved to strike out "or," in the amendment, and insert "and."

Mr. HAYES opposed the amendment to the amendment, because it not only affected those who were to come into the state, but also those who were here at present. He was in favor of the amendment, and had voted for the amendment of the gentleman from Jefferson, Mr. SCATES.

Mr. BROCKMAN was in favor of the amendment, but opposed to the amendment to it. He was willing that every man who came to the state should enjoy the rights of freemen. He was opposed to any distinctions among the people, and was willing to admit all to equal rights.

Mr. CAMPBELL of Jo Daviess said, that he hoped the question would not be taken at this time. The Convention either was in a rush or at a halt, and there seemed a disposition at present to run away with the business without giving time for consideration. The question now before them was one of great importance to a large portion of the community, and particularly to the labor-

ing classes. He asked those who desired this feature in the constitution changed, to point out the abuses of which they complained. He would ask them if it had retarded the progress of the state? If it has thrown any obstacle in the way of a full development of our resources? If any one would point out to him when it had done this, then he would go with them in the change. Will gentlemen tell him the ground of their complaints? He believed them nothing but imaginary chimeras of the brain, or the result of some party design. If he had time, and this question had not been sprung upon them this afternoon, he would have been prepared to enter more largely upon the subject, and would have drawn a clause to be inserted in the constitution, which, he was sure, would meet the views of a majority of the people of the state. Mr. C. read what he said was the substance of his plan: To require of every foreigner coming into the state, and desiring the rights of citizenship, to take an oath of allegiance, and of his intention to become a citizen, to be filed in a court of record; and, provided he shall have been twelve months in the state, to be admitted to all the privileges of citizens. He asked gentlemen to tell him if men had the hardihood to leave the land of their fathers, the scenes of their youth, their friends and acquaintances, to come to a country of whose government and institutions they were ignorant of? Could any man say that these foreigners tore themselves from their native land and came to this country without some previous knowledge and acquaintance with the form of government under which they were about to place themselves? Was it possible? He thought not. He would ask them to place themselves in the same position. If they were about to emigrate to a foreign land and to leave the institutions under which they were reared, would not their first thought be directed, and their most anxious enquiries made, to obtain knowledge and information of the system of government in the country they were about to select. So with the foreigners. Those gentlemen who declare that foreigners, after a two years' residence, are not qualified to be entitled to exercise the right of voting say that which has no foundation in fact, and they can base no such conclusion upon any thing contained in the history of the last thirty years. One other thing: we had an enormous debt, fast accumulating in interest, and which

we were unable to pay. But it was to be paid—and how? Our answer is, by the natural resources of the state. And how are they to be developed? Only by the hard hand of labor. How are our broad untenanted prairies to be covered, and their fertility made productive? By increase of population. We all admit that the natural resources of Illinois are amply sufficient to pay all our debt; and all then that is wanted is a development of them by labor, and labor requires hands. Should we not then hold out to the world the greatest inducement for men, particularly of the laboring classes, to come amongst us, to till our prairies, to work in our mines, and to develop the vast and inexhaustible resources of our state. We cannot obtain this class of population without holding out to them inducements equal to those of other states; and as we are burthened with a debt, we should have those inducements greater than elsewhere. For the same reason, he was opposed to a poll tax; he was opposed to any restriction upon the right of suffrage, the force of which would fall most heavily upon the working classes. Then he desired, and it was our policy, to see [them] free and unrestrained in the exercise of that privilege so dear to them. He would vote for the amendment of Mr. ROMAN, unless gentlemen who complained of the system as it stood, would point [out] to him, in the history of the past thirty years, any evils resulting from it. He called upon them to make some argument, to give some reason for the change, and if they did not, he would never vote for it.

Messrs. DAVIS of Montgomery, PALMER of Macoupin, and GREEN of Tazewell, all opposed the amendment.

Mr. GEDDES withdrew his amendment to the amendment.

Mr. HARDING renewed it.

Mr. KINNEY of St. Clair obtained the floor, but gave way to a motion that the committee rise. The committee rose, and the chairman reported progress.

Mr. GREGG offered a resolution that, in order to have the hall cleaned, the carpets taken up, etc., and to enable the committee to finish the business before them, when the Convention adjourned, it would adjourn till Monday. Carried.

And then, on motion, the Convention adjourned.

XXXVIII. MONDAY, JULY 26, 1847

The Convention met at 8 P. M.

Mr. HAYES moved that so much of the resolution presented on the 16th inst., by Mr. KNAPP, of Jersey, and passed on that day by the Convention, which states that this Convention is unable to protect itself or its officers from insult or indignity, be rescinded. And, also, that the President be requested and authorized to make arrangements for having the Convention opened each morning with prayer. Which resolutions were passed.

Mr. SHERMAN presented a plan of restricted corporations to be chartered by the Legislature, for various purposes, banking, manufacturing, &c. Which he moved to be laid on the table and printed.

Mr. BALLINGALL opposed the printing of any such plans. Several members had their favorite schemes, and if one were published why not extend the same courtesy to all. He would oppose it as a bad precedent. The gentleman from Fayette, the gentleman from Grundy, and from Jo Daviess would also have an equal right to have their propositions printed. If all were printed the expense would be considerable and if one only was printed it would be showing a want of equal courtesy, therefore, he would vote against publishing any.

Mr. SHERMAN replied, that it would be impossible for the members to fully understand the various propositions upon this important subject unless they were laid before them. As to the economy advocated by his colleague (Mr. BALLINGALL) he thought that it would be no saving of expense to refuse the printing, because the time lost in reading them, when the question of banks came before the Convention and the difficulty in amending, or understanding them, would be a greater cost to the state than if they were printed. He had no objections to the printing of the other propositions.

Mr. DEMENT said a few words in favor of the printing.

Mr. WEST thought the printing of the proposition would be the best course to follow.

Mr. CAMPBELL of Jo Daviess opposed the printing as unnecessary, and as of no sort of benefit.

Mr. EDMONSON presented (in order to have printed with the proposition of Mr. SHERMAN) a long system of banking restrictions and provisos, and offered it as a substitute for the proposition of Mr. SHERMAN.

Mr. ARMSTRONG presented a substitute for the substitute, a proposition, (total prohibition of banks in the state,) which, if any were to be published, he desired to be printed with the others.

Mr. McCALLEN said, that he had a substitute for the whole of the propositions, which he desired to have published if any were to be printed. He did not, however, desire to have any of them printed. No person ever thought that a plan of a bank coming from representatives of Cook county would be adopted. He was a bank man, and desired to have established a bank which would be of some benefit and advantage to the people of the state. —He desired to have nothing to do with the bantlings that were presented by the representatives from Cook county, who were in favor of prohibition.—If they were to have a bank, he desired to have such a one as would be proposed by the friends of the institution. It appeared to him very strange that these prohibition men could not wait till the bank was proposed by its friends; he thought it looked as if they feared they would have nothing of the "odious banking system" to annihilate—*or to adopt!*

Mr. SHERMAN said, that he would say to the member from Hardin, that, as one of the representatives from Cook, he was no prohibitionist, that he never was in favor of the prohibitory clause.

Mr. McCALLEN said, that his remarks were grounded upon the course of one of the members from that county, (Mr. GREGG) who made a speech some time ago in favor of prohibition, and wound up by presenting a system of banking. After that example, he thought that he was not wrong in supposing the gentleman (Mr. S.) to be in favor of a prohibitory clause, although he might present a plan for granting incorporations. He moved that the whole subject be laid on the table till the 1st of January, 1848.

Mr. BALLINGALL said, that as one of the representatives from Cook he would say that he was in favor of a total prohibition of banks. He was opposed to them for many reasons, but particularly for the very good and all-sufficient reason that the democratic convention that nominated him and the other delegates, passed a resolution *instructing them to vote for a prohibitory clause!* This instruction *he* would obey.

The question was taken on the motion to lay on the table till January, 1848, and decided in the affirmative.

Mr. ALLEN, from the committee on the Bill of Rights, to whom had been referred the petition of sundry citizens of Winnebago county, praying the abolishment of all distinctions of color, reported the same back, and asked to be discharged from the further consideration of the subject. Granted.

THE CARPET

[In pursuance to the order of the Convention made on Friday last, the carpet on the floor of the hall was taken up by the door-keepers on Saturday, but unfortunately would not hold together after the dust was shaken out. Consequently the door-keepers reported that the same could not be replaced on the floor, so shockingly torn was its condition. The noise made by the one hundred and seventy persons in the hall, by moving upon the uncovered floor, was so great that it was impossible to proceed with the business.]

Mr. THOMAS stated that he desired to call the attention of the house to the difficulty of proceeding with the business, while the floor was uncovered and such noise prevailing. [Cries of "louder" from all parts of the house.] Mr. T. repeated what he had said, and urged, as the reporter understood him, that a new carpet should be procured, as the old one was not fit to be replaced —so torn and worn that it could not be put upon the floor again.

Mr. CAMPBELL of Jo Daviess suggested that the carpet could not be obtained in Springfield. On a former occasion he had tried here and in St. Louis but could not get sufficient of any one kind to cover this hall.

Mr. THOMAS moved that the Convention adjourn till to-

morrow at 8 A. M., to enable the Secretary of State to provide a new carpet, and then withdrew it.

Mr EDWARDS of Madison inquired how long it would take to put down the carpet? Our adjournment should be regulated to meet that contingency.

Mr. ROBBINS moved that when the Convention adjourn it adjourn to meet in the Senate chamber; he thought that room sufficient might be found there.

Mr. VANCE moved that the old carpet be replaced, no matter what was its condition.

Mr. TURNBULL said, he had opposed the motion to take up the carpet.

Mr. KNOWLTON said those who had voted to take up the carpet should now turn to and put it down.

Mr. THOMAS renewed his motion to adjourn. He said that it had been suggested to him that a committee be appointed to examine and enquire into the condition of the old carpet, (laughter) but he had no desire to make such a motion.

Mr. SINGLETON moved Mr. THOMAS be appointed a committee to examine the old carpet and report its condition and its probable utility for future service.

A MEMBER proposed that the floor be covered with saw dust.

Mr. DAVIS of Montgomery said, that it would take several days to have a new carpet put down, and he hoped that the old carpet would be replaced, it would prevent the noise to an extent that would enable them to go on with the business.

A MEMBER said, that this Convention has no authority to purchase or order a new carpet.

Mr. THOMAS said, the Secretary of State was directed by the law to furnish us what was necessary for our comfort and convenience, in the despatch of business.

Mr. PETERS said, that we should regulate our adjournment according to the probabilities of having the carpet put down. And (at the suggestion of Mr. SHARPE) he moved the door-keepers address the Convention upon the condition of the old carpet.

After innumerable suggestions, motions, ideas, propositions and recommendations, the following resolution was proposed by Mr. KINNEY of St. Clair, and adopted by the Convention:

Resolved, that the Secretary of State be, and he is hereby, authorized to examine the old carpet, and if the same be not in a fit condition to be replaced on the floor of this hall, then to purchase a new one for the same. And the door-keepers are authorized to employ additional hands to aid them in putting the same down.

And then, on motion, the Convention adjourned.

XXXIX. TUESDAY, JULY 27, 1847

Mr. DUMMER presented a petition of sundry citizens of Cass county, praying the appointment of a superintendent of common schools. Referred to the committee of Education.

No quorum appearing, the Convention was called; and then resolved itself into committee of the whole on the report of the committee on Elections and Right of Suffrage.

The question pending was on the amendment to the first section proposed by Mr. ROMAN. Mr. ROMAN modified his amendment as follows:

Insert, after "constitution," the following: "And all free white male inhabitants of the age aforesaid, not being citizens of the United States, who shall have resided in this state one year, and shall have declared their intention to become citizens of the United States by a declaration of that intention in conformity with the laws of the United States: *Provided*, whenever Congress shall dispense with a declaration of intention as a requisite to naturalization, the declaration of intention required above shall be made and filed in the office of the clerk of any court of record in this state."

Mr. KINNEY of St. Clair rose and said, that it was not his intention to take up much of the time of this committee in discussing this question, but it was one on which he desired to express his views, and would do so briefly. The question was the right of suffrage—and whether we should restrict it in our state, and depart from the rule laid down by the wise framers of our present constitution, or adhere to that rule and secure that right in an unrestricted form. The member from Macoupin (Mr. PALMER) has told us that, if we extended the right of suffrage to the unnaturalized foreigners, we violate the constitution of the United States, because that instrument secures to Congress the right of establishing a uniform naturalization law. That gentleman certainly has never examined the constitution upon this point if he does not understand it or construe it correctly. The framers of the

constitution of the United States gave Congress the power to pass uniform naturalization laws, not any power to control the action of the states with regard to the exercise of the elective franchise within its limits. Let that gentleman read on a little further in the constitution and he will find that it says, "the house of representatives shall be composed of members chosen," &c.; "and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the legislature." Here the power to regulate the qualification of voters is left to the states, and is not attempted to be defined by the constitution. If the rules which should govern the right of suffrage were stated in the constitution, as claimed by the interpretation of the gentleman, then state sovereignty would sink into nothing. Congress has the power to pass laws of naturalization, and the states have it not; but Congress has no power to control the right of suffrage in any state, or to define the prerequisite qualifications of its exercise. This the states alone possess.

Again: Is it our policy, as a state burdened with debt and sparsely settled, to restrict the right of suffrage, and thus prevent immigration to our soil? It has always been our policy to encourage it; the policy of the general government has been the same. One of the great subjects of complaint urged against Great Britain in the declaration of independence, was, that she restricted emigration, that she denied the men of other climes the right to expatriate themselves from their native lands, and from their homes, to seek a shelter here, and to find in our then thinly settled land a home. All of our state constitutions encourage immigration to their states, and the same spirit runs throughout the whole land. The right to expatriate oneself, and to seek a home, has always been contended for by the United States, and it was finally tested in relation to our own people in the case of the settlement of Texas by American citizens, who left their country and went there and became citizens, and whom our government recognised as citizens of that government. They could not deny the right of men to go wherever they please, even to expatriate themselves. We have the power to receive these men. We have the power to prescribe what shall be the qualifications of voters for the members of our General Assembly, and the men whom we entitle to vote

for members of our General Assembly are entitled, expressly under the United States constitution, to vote for members of Congress. We may have no power to make them citizens, but we have to allow them the exercise of the elective franchise. It was, he thought, our policy to encourage immigration by extending to the immigrants the right of suffrage. They came to our state, settled down upon our land, and we taxed them as much as our citizens; we compelled them to bear the burdens of our government, we made them do work on our roads, and perform all other duties required of citizens. Why not, then, give them the right of suffrage? Why deny them a voice in the election of their rulers for the period of six years? This policy had been laid down by the framers of the present constitution. They, too, thought that immigration should be encouraged, that foreigners would flow into our large state, if we allow them this right; they gave it to them, and why should we now change that policy? They produce the wealth of our state; they are principally the laboring classes. It was the policy of our fathers to encourage immigration from the east, and from foreign lands, in order to have our land inhabited, and they extended inducements such as no other state had. He thought that we should rather encourage them to come among us, by throwing open to them all the privileges of civil liberty, and above all the right of suffrage. We are here, a Convention met to devise the best means of raising revenue to pay off our debt. To do this, to relieve us from this evil, it is proposed to levy a poll tax, showing that at present we have not in our state a sufficient quantity of taxable property to raise revenue upon to meet our expenses, or to pay the interest on our debt. Why deny, then, to foreigners this great inducement to come and settle amongst us, and increase the value of our waste lands, increase the population, and lessen the burdens by which we are oppressed. Much has been said about the character and ignorance of the foreign population that come to our shores. He would refer the gentlemen to the two great states of New York and Pennsylvania, both settled by Germans, the latter nearly populated by them, and was there anything in the character of their people dangerous to the liberties of the people? They had always encouraged immigration to their soil. Those states have grown, they have wealth, and

wield an immense influence, and are the most prudent in all their acts. Yet neither of those states have, with few exceptions, the vast and unexhaustible resources of Illinois. A gentleman had complained that the paupers and criminals of Europe come to this country, and therefore this restrictive policy should be followed. Will they not come, no matter what the restrictions? Throw around the right of suffrage all the restrictions they think proper, and *such* people will come any how, you cannot prevent *them* from coming here; but you will exclude those who will be of benefit and advantage to the state, those who bring wealth, and who settle down among us without any desire save to live here and enjoy our institutions. Something had been said about the opinions of celebrated men of the country in relation to foreigners. He desired not to allude to it here, it would introduce party spirit, the spirit of a party styled "Native American." He did not believe there was any man in the Convention who would stand up and say the doctrines of that party were right. If, however, the gentleman who had alluded to Washington, would look into the writings of that great man, he would find that, instead of being a "Native American," they will discover that his feelings, his sentiments, and actions were very different from the doctrines taught by that party.

Mr. TURNBULL said, that after a common sense view of the matter by him, he had come to the conclusion that we had no power to do anything in conflict with a law of Congress, passed under a power vested in them by the constitution.

[Mr. TURNBULL said:[43] The important question before the committee has not, in my opinion, been fairly met by gentlemen opposed to the view contained in the report, and in favor of this amendment. It is a principle founded on common sense, that, in any society whatever, members alone have a right to a voice in the management of the affairs of that society. This is true of civil society, as well as of all others.

Gentlemen on the opposite side have taken the ground that *residence* should entitle the alien to the right of suffrage. Sir, in my opinion, *citizen-ship*, *alone*, can entitle a person to a vote.

[43] This speech by Turnbull is taken from the *Sangamo Journal*, August 5.

By the Constitution of the United States, Congress has the power to make a uniform rule of naturalization. The States having delegated that power to Congress, and that body having passed a naturalization law, we have no right to make a law on that subject. The State has a right to fix the qualification of voters on all other points; that is, to declare how long a person who is a citizen of the United States, *coming from another State*, shall reside in *this State* before he can vote. This State has not required a property qualification, and I hope never will. This question cannot turn on the length of residence; for, in an alien, after living among us, and becoming acquainted with our institutions; if he has lived, even in one county, five, ten, or even fifty years, and at the end of that time is so opposed to our government that he will not become naturalized, he can have no right to a vote. To permit an alien to vote for Electors of President and Vice President, and Congressman, is injustice to the other States of this Union. Surely, gentlemen can discern between *natural* and *acquired* rights. The State protects the alien in the enjoyment of his natural rights; then, *when he acquires citizenship*, let him be placed on the same footing with our native-born citizens.

The right to exercise the elective franchise is an inestimable right. What boon, Mr. Chairman, would induce you to forego this privilege? Sir, you can fix no price:—that right cannot be valued. And shall we *give away* our dearest rights, to the alien? No! Let him first qualify himself for this distinguished TRUST; for, by any other name I cannot, in the present instance, call it. Let him renounce his allegiance to the potentate from whose government he hails, and become a citizen. Then, *and not till then*, let him enjoy the privileges of the native-born citizen.]

Mr. GREGG said, that it had been well remarked, that the elective franchise, to be beneficial, must be exercised wisely, and that when not exercised wisely, it becomes a curse, instead of a blessing. From this he could not see the good sense or logic in the argument which will bring us to the conclusion, that an alien should reside in the country five years before he can exercise the right of voting. We now say that six months shall be the term, this is what the framers of our present constitution required to

enable aliens to exercise the right of suffrage. This same principle of a short probationary term was recognized by the ordinance of 1787, established for the government of the north-western territory. They were allowed to be represented and to vote for representatives to the territorial legislature. The same provision was incorporated into the territorial government of Ohio, Indiana, and Illinois; and this provision was made for the purpose of encouraging immigra tion to the country. It gave them the right to choose their rulers. In 1812 the act establishing the territorial government of Illinois was passed by Congress. Mr. G. read an extract from its provisions. It was then not thought by the Congress who passed the act, that it would be dangerous to the liberties of the country, to give foreigners, after a residence of less than five years, the right of exercising the elective franchise; and now when we propose the same provision to be inserted in our constitution, we enter into an argument upon the wisdom of the Congress who passed that law, and who, in all their actions, were distinguished by their just regard for the rights of man.

It has been said, that we have no power to confer this franchise upon aliens; that the constitution has conferred upon Congress the exclusive power of establishing naturalization laws, and the gentleman from Macoupin bases upon this an argument that, because the states have no power to pass naturalization laws, therefore, she cannot confer the right of suffrage upon any but citizens. The gentleman made an argument of some ability but of more sophistry. It was a fallacy from beginning to the end. It was based upon the ground that the elective franchise was an incident of citizenship. Citizenship has other rights than this. It is not one intended to be conferred by citizenship. In framing the constitution, the exclusive power was left to the states to make such, and whatever rules and regulations should govern the exercise of the elective franchise. It is in the first section of the second article of the constitution of the United States. (Mr. G. read the section.) Does not this language show clearly that the states have been left the power to control this franchise? What are electors of members of Congress? The same electors as the states may admit to be electors for the most numerous branch of the Legislature. Congress has attempted to fix no rule upon the

qualifications of voters for the Legislature in the several states. Every state has different rules and requires different qualifications. In one state a property qualification is required, in another citizenship, in another residence, in other states other rules; and does any man say that Congress has, or can, by any power given to it in the constitution, enter into legislation for the internal affairs of a state and limit by metes and bounds the rights and franchises of her people, and say who shall vote for members of the Legislature? No, sir, the states have ever been left with this power of regulating the qualifications of the voters within her limits.

Mr. G. here read an extract from a paper in the Federalist—by Mr. MADISON.

Here, sir, is the language of Mr. MADISON, the father of the constitution, who says that the whole subject of the regulating of qualification of voters has been left with the states, that they have the whole power to prescribe the rules to govern the franchise, and that their fiat settles the question. He says that Congress has no right to interfere, and that the power has been wisely left with the states. He therefore concluded that we have the power to make whatever rules upon the subject of the right of suffrage, and that we should not exercise that power to operate against the rights of men, nor so that we should become illiberal and opressive. We have now free suffrage, let us retain it. Do not let us follow examples of other states who have bound up this inestimable franchise by restrictions, until by lessening the right of suffrage, they have lessened the liberty of their people, have lessened their rights. The argument of the gentleman from Macoupin was therefore a fallacy, if he (Mr. G.) was right in his construction, which was supported by the words of Mr. MADISON, the founder of the constitution. He would refer the gentleman to the state of Rhode Island, and the restrictions placed upon the right of suffrage there. She was the most illiberal and unjust, in regard to human rights, of all the states in the Union. There, the negro is elevated above the white man, a negro, with the property qualification, was placed above the alien, and through his political influence could place his foot upon the neck of that alien, no matter how learned, or talented the latter might be. We might follow the example of this state, in placing restrictions upon the elective

franchise, but for one, he was not desirous of so doing. He was in favor of encouraging immigration by having the exercise of the right in the reach of all. Such had been our policy, and he asked, would we now leave it to follow the examples, and to adopt the maxims of illiberality, bigotry and prejudice, more becoming a government of tyrants than of freemen. We want the population. We want the labor. We want the men to till our soil, those who will bring to our aid, the hard hand of labor to develop our resources in their full beauty and proportion. And unless we do so, these men from the adjoining states, and foreign lands, would find elsewhere a home, where these privileges would be granted them. Mr. G. pursued this subject at length. He alluded to our mines, and the vast hidden and undeveloped riches of our state, and asked how [we] would restrict immigration of labor to bring them forth from their hiding places, and render them of service to our embarrassed state? He thought all such attempts should be frowned down. When all our means of wealth could be developed, he claimed for Illinois no second place in the Union, but first in influence in the affairs of the nation. He could see no evils in the past that called for this change. He could not see how our liberties had been put in jeopardy during the past, nor how they could be for the future. He challenged an instance of any foreigner by birth, who had been less patriotic than the natives, in the cause of the state. He claimed the feeling of "love of their native land" attributed to foreigners as a sacred, a holy, and an honorable feeling, alike a pledge of their patriotism and their human feeling. The man who had no such love was a traitor to the feelings of humanity, and on his head should be branded the curse of Cain, the unmitigated curse of humanity; all fellowship should be denied him, and he compelled to associate with the brutes of creation. He said the immigrants all made this country and her institutions the subject of their thought and study in the domestic circle and the family fireside, long before they left their native land. He was not to be told that they tore themselves from their native land, the graves of their fathers and the homes of their childhood, to come among strangers to dwell, without first having obtained knowledge of the character of the government under which they were about to place themselves; nor that, after enjoying our

freedom, they would be found faithless to the land of their adoption. All experience gave the lie to such a charge. They will never falter in support of our country when they contrast it with that they left behind them. Mr. G. then alluded to their services in the army on the battle field; to their deeds as seamen in our navy, who have aided in bearing the stars and stripes in triumph over every sea. He denied that the founders of our constitution entertained any such opinion of distrust of foreigners.—They had tried them; they knew their worth in the conflict of the revolution; they made no distinction between men on account of a difference of birth; their minds was [*sic*] as extensive as charity itself, it included every country, clime, and creed. It had been shown that their policy was, that this country should become the asylum of the brave and the refuge of the oppressed. He alluded glowingly to the many signers of the declaration of independence who were men of foreign birth. The quotation from Washington's farewell address in relation to foreign influence was made in allusion to the attachment felt by our people towards France, and it was against this he warned them. The name of Washington was known and revered everywhere; it was the watchword of liberty in the lips of freemen; the word that tyrants trembled to hear. He had, during his administration, issued a proclamation, setting a day for general thanksgiving to heaven for its many blessings, and in it he said this country should forever be an asylum for the oppressed of all nations, and the unfortunate of all climes. A sentiment worthy of a patriot. This was a sufficient answer to those who declare that he considered there was no virtue except what was American. They were asked to place the term at five years, because foreigners could not become, in a less time, acquainted with our institutions; this he had answered already. The intelligence of our immigrants is greatly underrated. He had some acquaintance with them, and knew many of them personally, and had generally found them more learned and more acquainted with our institutions than they are represented to be, and he ventured to say that if an equal number of them were placed along side of a number of our natives, chosen indiscriminately, that they would not be found to be less acquainted with the spirit of our government than the latter. The gentleman from

Tazewell supposes them as always ignorant. That member, accustomed to all the bigotry of his native state, is as ignorant of the character of the immigrants to our state, as he supposes they are of our laws and institutions. Let him but study their character a little more, and like an honorable man he will change his opinions. Throw around the elective franchise all sorts of restrictions—criminals and paupers will come to the country, shut the doors upon every privilege, say that those who were born here shall be the exclusive worshipers at the shrine of liberty—still they will come and you cannot prevent them. He alluded to the term of probation proposed by "Native Americans," twenty-one years, and thought that those who contended for five years should with consistency advocate the same doctrine; he spurned the principles of such a party as unworthy of Americans, and said they were advocated by men, who, in five times five years, could not have as good a knowledge of our institutions as those immigrants, who come here to dwell, generally acquired in one year. He advocated at length the policy which we have heretofore followed—the encouragement, by offering them the greatest inducements, to settle in this state. He saw no reason to depart from it now and turn the tide of immigration to the neighboring states who opened to them their lands, their privileges, and admitted them on grounds of equality. He wanted not to let those states say to the emigrant—"Avoid Illinois, there the bigotry and prejudice of the 'Native American' spirit burns, it shuts you out of all the privileges and immunities that belong to freemen, and render[s] you as men unworthy of trust or confidence, and deprive[s] you of what every man should have—the right of suffrage. Come to us, we will give you all these privileges." Will we permit this to be said of us? The interests and future prospects of this state depend on our answer. He would have the state increase upon liberal principles. He would have the world say, as it does now, to the immigrant in search of a home—"Go to Illinois—go to the prairie state, where you will be taken by the hand of American friendship, and welcomed to a full participation in the rights of freemen, to which hospitality and liberality she already owes her fast increasing wealth and prosperity." This is what Mr. G. desired to have said of the state of Illinois.

Mr. GREENE of Tazewell replied to Mr. GREGG's attack upon the state of Rhode Island.—He had lived there, was raised there, and he wanted no information from any New Yorker of the principles and condition of the people of that state.—That state had never known trouble or difficulty until some of these New Yorkers—one Mr. Slamm, and a ruffian from the penitentiary, called Mike Walsh, came there to make laws for her people.—He would ask them to go there and look at the peace and prosperity of her people, at the well cultured farms and the spirit of industry pervading the whole community, and then let them come and tell us something of her condition. Mr. G. was opposed, as he had expressed himself before, to extending the right of suffrage to foreigners till they had become citizens. He repeated his views of the majority of foreigners who came here to be ignorant, and that none but such, and criminals and paupers, came here at all. Those who were intelligent and industrious remained at home, able to get along there without coming here.

Mr. BALLINGALL said, that he desired to say a few words upon the question now before them, for he felt much interest in its decision. He was not an American by birth, and hoped that he would be pardoned if he detained the committee with some remarks. He would have proposed an amendment similar to that now pending, had he not been anticipated by the gentleman from St. Clair. In setting out, he would ask gentlemen, how was it that they denied the constitutionality of allowing foreigners to vote before they became citizens, yet they all were willing that those unnaturalized and who were in the state, should be allowed that privilege? Had we not sworn to observe the constitution of the United States, and if this were a violation of it in one case it was also in the other. They might say that those who were here had a vested interest; but let them not allow this to weigh down their oath; let them not take their oath in one hand and the vested interest in the other, and balance them. That same oath is taken by every man who makes an oath of allegiance. It is agreed here that they are foreigners who come here, who are criminals, and are ignorant of our laws. Is this the fact generally? No. There may be a few, and perhaps some may be found in Chicago, who do not conduct themselves as well as they should, but is it general? He

thought that this oath of allegiance is not necessary, but it may be proper to require it. It was also argued, that they should be here five years, because they could not understand our institutions in a less time. Another argument, and used in support of the charge of ignorance, was that many came here who did not understand our language. He was sorry to hear these objections. In the days of the revolution, no such objections were urged against foreigners by their forefathers, as he had heard to-day by their sons. In that day, they extended to the Canadians, exclusively French, and exclusively Roman Catholic, their arms for aid, and sought from the people their assistance.—On the other hand, the British Admiral applied to the Bishop of Quebec for men and arms, and that prelate replied that the incitement of the people to strife and warfare was not the business of the ministers of religion—an example of christian feeling the gentleman from Tazewell might well follow. In that day the forefathers of the country addressed the people of Ireland— whom that gentleman is so particularly opposed to—and asked them for support. (Mr. B. read an extract from the address.) Is this the same spirit which has been shown here to-day, on this floor by Americans?—Those were the "times that tried men's souls." In the winter of 1775—remarkable for its severity and the privations of the army—there was a man from that country, who braved all its perils in the cause of our country and fell before the walls of Quebec. Congress sent to France for a monument to perpetuate his fame and memory.

Mr. B. then alluded to the services of Thomas Paine, who did much to aid this country in her struggle.

He said he quoted these instances of foreigners rendering service to our country, because he wished to show that the fathers of the country asked no questions of those who come among them as to their birthplace. He alluded to the several signers of the declaration of independence who were foreigners, and particularly to John Witherspoon, who, like himself, was from the land of mountains and of flood. There was then no craven tongue come forward and bid them stand back, that they could not sign that instrument, because they drew their first breath in a foreign land. If there were any such here, well might they hang their heads in

shame. He would call the attention of gentlemen, and particularly those from Macoupin and Tazewell, to the seventh reason given in the declaration of independence, why we took up arms against Great Britain and George the Third: "He has endeavored to prevent the population of these states; for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migration hither," &c. These gentlemen know that we have a state larger in territory than England and Scotland together, and they seek to close the door against immigration, by requiring that they shall become citizens before they have a right to exercise the right of suffrage. They are doing as did George the Third—when addressed—you are refusing to pass laws to encourage immigration to our state. He would refer to another instance, where a foreigner who was in the ranks of our army in the days of the revolution seized a tory (an American) who had been an enemy of his country, and hung him on the leafless limb of a tree in the forest, the descendant of that man (the foreigner) is a delegate upon this floor, [Mr. CAMPBELL of McDonough] and when the time comes will no doubt vote for this amendment and say as he does so—"and this to your memory!"

Mr. B. then reviewed the same statutes referred to by Mr. GREGG, and pointed out the several instances where Congress had admitted, in the territories, unnaturalized foreigners to the right of suffrage; and begged such of the legal gentlemen who differed from him to examine the colonial statutes and they would find that foreigners were then naturalized on very easy terms. Mr. MADISON, in commenting upon this subject says, that those sections of the Union which had most encouraged immigration have increased most rapidly in agriculture, wealth &c. Mr. B. then read an extract from one of the letters of Mr. Van Buren, in which that gentleman advocates the introduction of immigrants as a wholesome restriction upon the rising aristocracy of the people.

In 1812 Congress passed a law entitled "An act to extend the right of suffrage in the territory of Illinois," which provided that every free white male person who paid a tax and had resided here one year should be entitled to vote, &c. The

men who passed that act took the same oath that we have, and they did not think they violated the constitution of the United States by giving to every one the right to vote, whether citizens or not. In 1818 Congress authorized the people of Illinois to hold a convention to form a constitution, and prescribed the same qualifications of voters for the members of that convention. In 1819, that convention met, and they adopted the clause in our present constitution, and which was adopted in conformity with the spirit and policy of the times, and of the act of Congress of 1812. That constitution was presented to Congress, and they, by the act of 1819, declared that const[i]tution to be "republican." How, then, can gentlemen say that this amendment, which is the same in principle with that constitution, is in violation of the naturalization law of the United States? He regretted that the gentleman from Macoupin, who has heretofore supported some of the fundamental principles of democracy, has left us on this subject, and he urged that gentleman to reflect, and perhaps he might return. He regretted to hear that gentleman ask the question, whether the Irish people, now starving and whose eyes were turned to the world for bread, took time in their suffering to study our institutions before they fled to us for life. The question sounded harshly. He would answer the gentleman—that the Irish people, when dying for food, when laboring under all the privations and suffering of famine, when death was stalking through the land and knocking at every door, this country was ever uppermost in their thoughts, and cherished as first in their heart of hearts! He thought the question a cruel one. As to the charge of ignorance of our government because they could not understand our language, he would merely say to the member from Macoupin that he held in his hand a history of our country, written by a learned and talented Italian, which had been approved and endorsed by Mr. Jefferson; yet, if that author came here and addressed this Convention in the most eloquent terms in his native tongue, the member from Macoupin, because he could not understand him, would say he was ignorant, and could know nothing of our government. (Mr. B. read an extract from a letter from the army detailing the death of a learned and most talented man who had joined our army, and who was killed in a late battle,

and who spoke no English.) Tell him not that because a man cannot speak our language, that therefore he is ignorant! Such doctrine was the very essence of "Native Americanism." Mr. B. read a letter published in a whig paper in Chicago, giving a description of the wealth, prosperity, and increase of a Swedish settlement in Henry county; and made some remarks upon the exclusion of such immigrants from the state by those arbitrary restrictions. He desired no conflict with the reverend member from Tazewell. He was aged and had a holy calling, but when he so far went out of the path of his duty as to connect unnecessarily a large and most respectable portion of community with criminals and paupers, his age would be no protection. He says that the foreigners who come here are raised in ignorance of the institutions of their own country and of this. He would mention to that member the fact that an American, born in Massachusetts, named John Copely, left his native land and by pandering to the pride of Great Britain had risen to the office of Lord Chancellor of the kingdom. When the question of Ireland and her wrongs came before him, that man from his seat pronounced the Irish people "aliens in blood, and aliens in religion," he dared not say they were ignorant—the thunders of catholic emancipation taught him they were intelligent. But the member from Tazewell outstrips that English lord. He pronounces them aliens in blood and aliens in understanding. He never thought, when he saw that member kneeling at morning hour, praying for peace and harmony throughout the state and in this Convention, that before the sun would have gone down at eve he would rise here and pour out his venom upon a class of our population, many of whom are vastly his superior. Mr. B. read numerous extracts from Native American constitutions and petitions, and applied their doctrines to the language of the reverend gentleman. He thought it was the same doctrine of the alien and sedition laws. It might be said that he—a foreigner by birth—should not have addressed the committee on this subject; he would answer them as did another, on a similar question. Mr. B. read the conclusion of a speech made by Hon. R. D. Owen, when attacked, for opening the debate on the tariff, as a foreigner. And concluded by stating that if the reverend gentleman paid no regard to argument and reasonings of

his fellow men, perhaps he would to those of his God. He then read from the Bible the following:

"And if a stranger *sojourn* with thee in the land, ye shall not vex him.

"But the stranger that *dwelleth* with you, shall be unto you as *one born among you; and you shall love him as thyself;* for ye were strangers in the land of Egypt; I am the Lord your God."

Mr. HURLBUT pleaded guilty to the charge of being an American, but not to that of entertaining the narrow principles of "Native Americans." He thought the cause of Native American associations was to be traced to such remarks as had fallen from the lips of the gentleman, who had just sat down. He reviewed the constitutional arguments of the gentleman, and denied a precedent out of Illinois, where a man not a citizen was entitled to vote. In the state of South Carolina the constitution said "every free white man"—words more comprehensive than even those in our constitution, and yet no one ever presumed that any person could exercise the privilege but a citizen. He thought the argument was used only by those to whom it was necessary that the amendment should be adopted. He scorned the addressing of foreign voters as "Irishmen," &c., and had told his people he knew them not as such. But in other places it was different. He would inquire of gentlemen if there were no frauds upon the elective franchise on the line of the canal? If men had not been run by wagon loads from Joliet to Chicago, and voting at every poll on the road?

Mr. GREGG said, he never heard any such thing.

Mr. HURLBUT replied that he himself knew nothing of it; he only had heard the representative in Congress from that district (WENTWORTH) say so, and there were many others here who had heard him say the same thing. He claimed that if foreigners fought for us in the revolution, that there was a balance of account, because it was they who fought against us. If the numbers were weighed it would be found that the latter were largely in the majority. He had never heard before of the sentiment attributed to Mr. VAN BUREN, that had been mentioned by the member from Cook. If that gentleman ever used the sentiment, and it was known throughout the land, then he was not surprised

that the people had risen and hurled him out of office in '40, by such an overwhelming vote.—He thought such a sentiment degrading. He considered it impossible for any European to become acquainted with our institutions and government, without a long residence here, and cited the many blunders made by the press and by men in high stations in Europe in relation to our institutions, and denied that the common people knew anything of our system of government. Mr. H. occupied much time in answering several arguments made by those who had preceded him in support of the amendment, and closed by stating he would vote for the section as reported by the committee.[44]

Mr. BOSBYSHELL moved the committee rise, and the committee rose.

The Convention then adjourned till 3 P. M.

AFTERNOON

The Convention resolved itself into committee of the whole and resumed the subject under consideration in the forenoon.

Mr. COLBY said, he, too, was an American, but if he was, that would be no reason why he would deny to men not so by birth, the same rights and privileges he enjoyed. He would not take Rhode Island as his polar star. That state had a property qualification, which was to him sufficiently odious without going farther. Shall we take that state as a polar star where they imprison a man for expressing his opinion? He thought not. He had travelled in that state, but he had seen farms as well cultivated here as there. He denied the allegation that our foreign population was the sweepings of the poor houses and prisons. He had found among them men as intelligent as anywhere else. Mr. C. replied to the remarks of Mr. HURLBUT and denied any knowledge of frauds at elections on the canal line. He would vote for the amendment.

Mr. THORNTON argued against the power of this state to pass any law allowing foreigners the right of suffrage. He thought such was unconstitutional and challenged a precedent in the Union. In Ohio the constitution was in the same words as

[44] A longer account of Hurlbut's speech may be found in the *Sangamo Journal*, August 5.

ours, yet they have never interpreted it as we have. He would vote against the amendment.

Mr. ARCHER had been induced from the continued complaints of danger to be apprehended in case we allowed foreigners this privilege, to look into the subject, and after giving it the closest scrutiny could discover none. The history of the past taught us no such thing. He agreed with those who had said no danger was to be apprehended from men who sought a home and refuge from oppression, or from those who loved the land of their birth. He, too, argued that foreigners before they came here made our institutions the object of their study, and were not so ignorant as represented. He advocated the extension of this privilege as an inducement for them to bring to us their wealth and their labor, and thought it was our best policy to encourage them to come there, to develop the resources of the state. He took up the constitutional question and argued for some time in favor of the power of the state to control the exercise and regulate the qualifications necessary to the exercise of the right of suffrage. He attributed the Native American associations not to such remarks as had been made there, but to the spoils of office. Such was the case in New York, where they held power but for one year. He alluded to the many illustrious foreigners who had rendered acknowledged services to the country, and closed by urging the most extensive liberality to the people of the whole world. Mr. A. spoke for nearly an hour, and we regret that we are precluded from giving his remarks at length.

Mr. McCALLEN addressed the committee, in a speech of more than an hour and a quarter, upon the subject, and touched upon every imaginable point involved in the question. He discussed it constitutionally and politically; as a question of right and wrong to the native citizen, and on grounds of expediency, and finally as a party question. He replied to all who had preceded him, and anticipated those to follow. He read from several documents, in his possession, opinions of the fore-fathers of the country in opposition to foreigners, and finally took the ground that they were not the most desirable population as citizens, and not to be tolerated at all as voters, when unnaturalized. In the course of his remarks, when alluding to the member from Cook,

he denounced the right of any man of foreign birth, who perhaps had come here as a refugee from the insulted dignity of the laws of his country, to teach Americans what was democracy.

Mr. BALLINGALL. Do you intend to say, sir, that I came here from any such cause?

Mr. McCALLEN. I said *perhaps*.

Mr. BALLINGALL. I then say to you, sir, that you are no gentleman.

Mr. McCALLEN. I can take that. I can take that from you, who have shown so much bravery as to attack an old gray-headed man who cannot defend himself.

Mr. SCATES addressed the Convention in an argument upon the constitutionality of the amendment, and was of opinion that the states had a clear and unquestionable power to regulate the elective franchise—a right expressly conferred by the first section of the second article of the constitution. We regret our limits will not allow its insertion.

Mr. WILLIAMS made a few remarks against the expediency of the amendment.

And the committee rose, and the Convention adjourned.

[Mr. THORNTON said[45] he had not as yet participated in the debate, and he did not now propose to do more than very briefly to present a few of the reasons which would induce him to support the report of the committee, and to oppose the amendment of the gentleman from St. Clair.

Notwithstanding the trivial manner in which the constitutional question had been treated, it did seem to him that there was a constitutional question involved in the proposition. Among the specific powers granted to Congress was this; that Congress shall have power to pass a *uniform law of naturalization*. Some gentlemen had contended that the second section of the first article of the Constitution of the United States, which provides that the electors in each State, for members of Congress, "shall have the qualifications requisite for electors of the most numerous branch of the State legislature," deprives the National Legislature of

[45] This account of the afternoon's debate is taken from the *Sangamo Journal*, August 5.

all power, in fixing the qualifications of electors. According to such a construction, it seemed to him that the power granted to Congress, to pass an uniform law of naturalization, is a mere nullity. What is the meaning of the term, Naturalization? It is the investing an alien with the privileges of a native citizen. The right of suffrage is one of the most inestimable privileges of the free citizens of this country. It may be said to be his birth-right. But, sir, it is *not* the birth-right of the alien. The power, then, to pass a law of naturalization has been conferred upon, and exercised by, Congress. There is no other authority in the country to pass a similar law. If there was, there would be no uniformity in this matter; there would be no safety to the country or its institutions. Michigan or Maine might require only a residence of one day, to entitle a man to vote; and thus, an influx of aliens from Canada might determine the election of President of the United States. The States, in their sovereign capacity, may impose additional restrictions, upon the alien, to those imposed by Congress; but they have not, and ought not to possess, the power to prescribe any rule that would counteract and destroy the effect and operation of a law of Congress passed under an express grant of power.

But, sir, the alien, until he is naturalized, cannot be made amenable to our laws. He cannot be tried for treason;—he cannot be compelled to take up arms in defence of the country. Are gentlemen willing to confer upon foreigners rights and privileges superior to those enjoyed by native citizens? Do they wish the foreigner to share in all the *blessings* of our government, when he cannot be made to bear some of the *burdens*? Gentlemen may say that the alien is prompted by as high and noble motives, and by the same patriotism, to rally under the banner of the country as the native citizen. Well, sir, admit that he enters into the service with zeal; still, the fact is unquestionable that he cannot be forced to take up arms in defense of the country, until he is naturalized. Instances occurred during the last war with Great Britain, of persons who had been resident in this country for twenty or thirty years, and who were drafted to serve a short campaign in defense of the country during the war, who refused to serve—upon the ground that they were not citizens of the

country—and they were protected by the courts, and suffered no penalty for their refusal. Is it right or just, towards our own citizens, that you should permit foreigners to exercise the elective franchise when you cannot make them amenable to the law?

There is a question of policy involved in this matter, which would influence my mind in refusing to grant the privileges of citizenship to a foreigner, until he had complied with the naturalization laws of the country, even if there were no constitutional barrier. What are the statistics of immigration? I notice, in recent accounts, that there have landed, at New York alone, between January and June of this year, *eighty odd thousand* immigrants; and this number will, probably, be doubled before the close of the year! And how many are there that land at all the other ports of the United States? The whole number who land upon our shores, during a single year, cannot be less than four or five hundred thousand. Are all these people to be turned loose upon us, and permitted to enjoy the right of suffrage—as they will be, if this amendment prevails? Would not a residence of five years—by enabling them to become somewhat acquainted with our institutions—fit them a little more to exercise the right of suffrage properly?

The gentleman from Cook referred eloquently to that feeling which is implanted in the breast of every man: that love for the place of his nativity, which every man, who is not recreant to the noblest feelings of our nature, possesses. This allusion is entirely against the proposition which the gentleman advocated. For the very reason that such a *feeling* does exist, I am in favor of prohibiting foreigners from enjoying the right of suffrage until they have lost, by a residence here, some of that preference for the land of their nativity,—until they have become somewhat acquainted with, and attached to, our peculiar form of government. And, sir, I would ask, if all of those 4 or 500,000 immigrants, who are annually brought to this country, are imbued with feelings of love for the country of their adoption—are they actuated by those noble and exalted motives, in coming here, which gentlemen have attributed to them? No man feels a higher pleasure, a greater veneration, for the names of Lafayette and those other gallant spirits who participated in the Revolutionary struggle. And

there are foreigners now in this country who came here for the purpose of making it their home—their asylum from oppression; but these feelings do not operate on all who are cast upon us. I recollect a remark that was made by a distinguished Peer in the British Parliament, a few years ago. He recommended to turn loose upon us, from the prisons of Europe, a swarm of felons, for the purpose of undermining our free institutions; as he regarded it as utterly hopeless to attempt to subvert them in any other way. Sir, aliens are not influenced, in coming here, by those pure feelings of love for the institutions of this country which have been attributed to them. I do not, I cannot, believe that the foreigners who come here—many of them, at least —are induced to come from the exercise of a deliberate choice, or from motives of attachment to this country. The native American, it is stated by gentlemen, is here merely "*by accident!*" There is, to my mind, a double meaning in this expression. The foreigner, has *patriotism* to animate him, while the American is merely here *by accident.* The American, then, is not influenced by that pure and exalted love of country which the foreigner feels! I really cannot harbor such a sentiment as this; a sentiment, abhorrent to *every* native citizen.

[Mr. GREGG. If the gentleman imputes to me such a sentiment, he is entirely mistaken. I do not deny that the native American is influenced by patriotism. I attribute patriotism to all alike.]

Mr. THORNTON: I do not refer to the gentleman. The remark was made, I believe, by another gentleman from Cook, that the American was here by accident. It was to this sentiment to which I was adverting. I cannot believe for a moment, that all this large influx of foreign immigration is governed by such feelings. I have seen too much of them in the large cities of the Union, to believe this. I have as much respect for foreigners as any man. I am as willing to welcome them here—as willing that they should find a home and an asylum here, as any man; but I am unwilling to pander to them. All that the foreigner can ask, all that anyone can reasonably ask for him, is, that he shall be required to live a few years in this country, in order to lose some of his attachment to the home of his birth, and take some slight

interest in our institutions, before he shall have a voice in the enactment of laws, in the election of officers of government; before he shall have the power to upturn, if you please, that republican government under which we have lived for nearly a century.

Some gentlemen have alluded to the fact that foreigners are taxed, and have contended that they should therefore be allowed the right of suffrage. Now, I would ask the gentleman if females and minors who have property, are not taxed, and whether they are prepared, in carrying out their doctrine, to permit females and minors to vote? I ask is this doctrine correct, that everyone that is taxed should be allowed the right of suffrage? If so, you must permit negroes to vote. But I protest against any such doctrine. I do not believe that it has any bearing on this question. We do not determine the principle of the right of suffrage in this way. The gentleman again says that if we adopt the report of the committee, and require aliens to be naturalized before they shall be allowed to exercise the elective franchise, we require more than is required by some of the adjoining States, and will prevent immigration into this State. The constitution of Ohio has language somewhat similar to that of our own, yet foreigners are required to be naturalized before they are permitted to enjoy the right of suffrage in that State. I do not, and cannot conceive, sir, that we shall prevent an influx of population at all by restricting the rights of suffrage in this way. Every State in the Union, except Illinois and Ohio, has this restriction, and requires that before a man is allowed to vote, he shall be a citizen of the United States. If the restriction will have the effect of preventing immigration now, why would it not have had that influence before? Why are we to suppose that the action of this convention, in reference to this question, will go across the ocean and have the effect of preventing a good class of population from coming amongst us, when the same restriction has existed in other States, and has not had the effect of preventing immigration into those States? Such assertions ought to have no weight in the decision of this question. It is a question of vital importance; one which we should determine without regard to party. And I do regret to see the indication of so much party feeling in relation to it. I represent on this floor a very strongly democratic county, and I

say here, that I do not know the solitary man in my county, either native or of foreign birth, who is not willing to have this clause in the constitution as reported by the committee. It is no party question in my county. The people are unanimous in requiring that those who come to this State after the adoption of this constitution, shall be naturalized according to the laws of Congress, before they shall enjoy the elective franchise. But gentlemen ask, why not carry the restriction to those already in the States? It should not be done for a very good reason, to my mind; because, to restrict those who have been invited here under the existing laws, would be a violation of an implied pledge to them that they should be allowed to enjoy the privileges, which the laws as they existed, at the time when they came into the State, afforded them. I for one, however, have always believed that the enactment of those laws was wrong, and that the construction given to the constitution was wrong; but that construction having been given to it, and those laws having been passed, it would be a violation of a pledge to deprive them of a right which we have already extended to them. For that reason I should be unwilling to impose any restrictions upon those who are already in the State. But I do hope that the report as it came from the committee will be adopted, and that all aliens who come into the State hereafter, will be required to comply with the naturalization laws of the United States, before they are permitted to enjoy the right of suffrage.

Mr. WOODSON gave notice that he would henceforth insist upon the enforcement of the rule which had been adopted for limiting the speeches to thirty minutes.

Mr. McCALLEN next addressed the committee, in opposition to the amendment. He contended that the power had been conferred upon Congress by the constitution of the United States, to pass laws for the naturalization of foreigners, and that the several States had no right to contravene those laws. He reviewed the arguments of the gentleman who advocated the propriety of conferring the privilege of exercising the elective franchise, without a compliance with the requisitions of the laws of Congress, and replied to them, contending for the necessity of adhering to the terms of naturalization prescribed in that law. It had been

admitted that foreigners felt an attachment for the institutions of the country of their nativity. Was it compatible with human nature, he asked, that they should upon coming here, entertain an attachment for the institutions of this country?—that they should cherish two loves at the same time? He combated the idea that foreigners could understand the institutions of this country in a few months. It was too frequently the case that their votes were thrown into the market, and purchased by the highest bidder. It had been asserted by the gentleman from Brown, and one of the gentlemen from Cook, that extending the privilege of voting to foreigners, after six months residence, had been productive of no bad results, and that the extension of these privileges could not be productive of injury. He would refer them to the scenes that had taken place at Philadelphia. What was it that caused the blood of our citizens to flow for three days in that city of brotherly love? Did it not proceed from fanaticism, such as had been exhibited here to-day? Did it not proceed from the encroachments which were being made by foreigners upon the rights of American citizens?

Mr. GREGG. I ask the gentleman if religious bigotry had not something to do with it?

Mr. McCALLEN. I ask you, sir, if fanaticism, such as has been preached here to-day, had no more to do with it?

Mr. GREGG. I say no, in reply.

Mr. McCALLEN. And I say NO, in reply to the gentleman's enquiry.

It has been reserved, continued Mr. McCALLEN, for statesmen, with such towering minds and magnanimous feelings as those of the gentleman from Brown, and the gentleman from Cook, to make this discovery.

Mr. McCALLEN proceeded to state instances of the improper use made of the influence of party men over the votes of foreigners employed on the public works. He himself had been threatened with the destruction of his prospects in case he refused to pander to the unholy appetite of political gamblers. He was no enemy to foreigners. He was as friendly to their welfare as were those who prated so much about their privileges. Every drop of blood which flowed in his veins had its origin in the land of the thistle,

and the land of the shamrock. But, (unfortunately for him according to the gentleman's showing) those from whom he descended emigrated to this country previous to the Revolutionary war. Some of the blood of his ancestors had watered the tree of liberty. The gentleman from Cook was more fortunate in not being born in America; he was fresh and verdant from the soil of Europe.

Mr. GREGG. Does the gentleman allude to me?

Mr. McCALLEN. I allude to one of the gentlemen from Cook.

Mr. GREGG. Does the gentleman mean me, when he speaks of the gentleman from Cook?

Mr. McCALLEN. I mean Mr. BALLINGALL.

Mr. BALLINGALL. I ask the gentleman if he does not think that thirteen years residence is not sufficient to give a man some claim to citizenship?

Mr. McCALLEN. The gentleman may think for himself as he pleases; but he must not think that because he was born in Ireland or Scotland, he can come here and teach me what the institutions of my country are!—that he can teach those who have been born and nurtured upon the soil—those who have been dandled on the lap of American mothers! Such men are not to be taught patriotism, by those who are recently from a country governed by despotism. I know not what the motives are that brought them here—perhaps it was love for the institutions of the country—perhaps they came here for bread—and perhaps the gentleman himself may have come here as a refugee from the insulted dignity of the laws of his country.

Mr. BALLINGALL. Does the gentleman mean to assert that?

Mr. McCALLEN. I say, perhaps, sir.

Mr. BALLINGALL. I say to you, sir, that you are no gentleman!

Mr. McCALLEN. Well, sir, I can take that from a man who has no feelings in common with Americans, and a man who has no more bravery than to attack an old, venerable, gray-headed gentleman, who, from his peculiar position in society cannot defend himself.

The CHAIRMAN [rapping the desk with his mallet]. The thirty minutes have expired.

Cries of "go on"—"go on"—"go on"—from all sides.

Mr. BALLINGALL. This is a question of great magnitude. Other gentlemen have spoken their hour, and I hope that no gentleman will be so ungracious as to call for the enforcement of the half hour rule. I hope the gentleman will be permitted to proceed with his remarks.

Renewed cries of "proceed"—"proceed."

Mr. McCALLEN. I was remarking, sir, that it came with a very bad grace from a mere stripling, a foreigner, to make an attack upon, and ascribe motive to a venerable gentleman upon this floor; to charge him with being actuated by motives of the blackest and deepest corruption, when he knew that from his position in society, he could not defend himself. I ask him if there is anything gentlemanly in conduct like that? When such aspersions were thrown out, I felt in duty bound to defend the aged gentleman. I have now done.

It has been asserted here, by the gentleman from Cook, that a large portion of the army, now battling in Mexico, are foreigners. Does the gentleman know anything of the organization of the regular army in time of peace? Is it motives of patriotism alone which actuate men to enter the army? No man of energy or character, or who is a very valuable citizen, will enlist. It is chiefly those who desire to get a living without work. And how have these foreigners conducted themselves? Why, sir, it is said that they have deserted to the enemy by fifties and hundreds.

Mr. McCALLEN proceeded at considerable length to animadvert upon the arguments of gentlemen on the opposite side.

On motion of Mr. GEDDES the committee rose, reported progress, and had leave to sit again.

Convention adjourned.]

XL. WEDNESDAY, JULY 28, 1847

Prayer by Rev. Mr. FINLEY.

Leave of absence for eight days was granted to Messrs BOND, HARDING, MOORE and HUSTON, and for fourteen days to Mr. MCHATTON.

The Convention resolved itself into committee of the whole, on [t]he report of the committee on Elections and Right of Suffrage—Mr. HARVEY in the chair.

Mr. ARMSTRONG said, that he was in favor of the amendment proposed by the gentleman from St. Clair. This was a question on which the two parties—democratic and whig—were divided, and we were here ready to compromise. The democrats wanted the provision as in the old constitution, and the whigs wanted citizenship. The report of the committee was no compromise, it carried it up to the 5 years. The amendment was the compromise. He was the representative of no party or faction, he came from his county without opposition. But there were no whigs there, who required the time to be extended to five years. The people were big with vengeance at our protracted session, and unless we were careful in what provisions we made, our new constitution will never see day-light. The member from Boone said that our representative in Congress told him that wagon loads of foreigners were carried from poll to poll, and voted, over and over, at one election. This is strange; no one who lives in that region, ever heard of it. It either shows our member of Congress has said in a joke what was not so, or, that he was a fool in selecting a confident [*sic*] from the whig party, and the gentleman from Boone in particular.

Mr. A. alluded warmly to the high character of the foreigners who had settled in our state, and mentioned an incident that occurred on the canal. A gentleman from this city came there, and addressed the workmen upon political subjects for some time; when he had finished, one of the men got up out of the canal, mounted a wheelbarrow, and completely answered the gentleman

—who was none other than Col. Baker. He referred to the many self announced patriotic virtues of the member from Hardin, (Mr. McCallen,) and wondered that the people, who always elevated virtue, had permitted them to remain in obscurity. He asked if the mobs in Philadelphia, and in Massachusetts, were the result of a six months' qualification? He thought we should remember the Massac and Hancock affairs, before we spoke of riots and bloodshed.

Mr. BOSBYSHELL then addressed the Convention at some length. We are reluctantly compelled to condense his interesting remarks. He advocated a liberal policy towards foreigners and approved of the present system. He defended foreigners from aspersions cast upon them and insisted that they were good, industrious and useful citizens. He said that he was in favor of coming as near as possible to universal suffrage. He would allow native or naturalized citizens to vote within three months after coming into the State, and he would allow foreigners to vote within a year or two after declaring their intention to become citizens.

Mr. PRATT said, he felt it incumbent upon him to place himself in a position before the Convention, where the causes which would govern his vote might not be misunderstood. He understood the report of the committee to require a residence of five years, and citizenship of the United States; he understood the amendment to require a residence of one year, and an oath of allegiance, and of intention to become a citizen. Both propositions recognize the necessity of restrictions. The question, then, was merely one of time. He was unwilling that his democratic friends should force him into a position of being acting with the "Native Americans"—who desire to exclude foreigners entirely. The principles of "Native Americans" exclude foreigners entirely, and draw an invidious distinction between men, on account of an accident of birth. He was unwilling to be forced into such a class of persons, who hold this narrow-minded doctrine. The question was then, one of time, for he admitted the power of the state to regulate the exercise of the elective franchise. Time was essential to a knowledge of our institutions, and the working of our government. The longer that time, the greater the knowledge would

be; therefore, it was incumbent upon those who advocated one year, to establish that that time is sufficient. It would appear, from the view of the case, that the longer time would be the better, yet no man had come forward before this Convention, to establish, by facts and figures, or by a comparison of man with man, that one year is as sufficient to acquire the necessary knowledge of our institutions, as five years would be. Now who are these foreigners? They who come here, may be divided into three classes:—The first, those who come here with a hatred for a monarchy—and such a form of government—a hatred for the despotisms of the old world, and who left there in consequence of persecution. The gentlemen from Cook and St. Clair are of this class; but they are very few in number. The second class, are those who leave their country to better their condition in a pecuniary manner, and not for any love of liberty, or our government; men who would as soon go to Asia as to come here, if the same facilities to wealth were open to them. Scotch and Irish merchants, who, after they have made a fortune, return to their native land. The third, and most numerous class, are those who have at home, known nothing but want and privations, and who have not the means of subsistence. They come here to gain that subsistence, and they are generally men of a lower social position, and of less education than those of the other classes. Their purpose in coming here is to gain a subsistence, and for the first two or three years they have neither time nor inclination to learn American manners, American principles, American laws and American institutions. Yet it has been gravely argued that in one year they can and do become acquainted with our constitution; and he asked if such was not an absurdity on its face.—This admitting them to the right of voting after one year's residence, gave them the power to neutralize the votes of American citizens. Did it not degrade an American citizen to give to an alien the power to neutralize his vote? and that too, by men who exercise the privilege by guess work. It had been asked where was the evil result in the past history of the state, flowing from this provision.—He would answer them in one case. We are in debt, the result of a ruinous and extravagant speculation in internal improvements. That debt has been increased by an obstinate continuance in them after the

people had decided against them. Large numbers of foreigners had flowed into this state to work upon these improvements, and their votes have been and are now always given for men pledged to vote for a continuance of the canal, which is of no possible benefit, except to these foreigners.—The Philadelphia riots had been spoken of, and the destruction of property and of churches. Who does not know that foreigners provoked these riots? a party of men—American citizens—had assembled together to petition Congress for a repeal of the naturalization laws—a wrong policy—but they had the right so to assemble. They were set upon, broken in upon and interrupted by foreigners who were opposed to the object of the meeting; and the first bloodshed was the result of this execrable and detestable interference by the foreigners. The Americans had a right to assemble, and on these foreigners who attacked them rests the consequence of the bloodshed and violence that ensued in that city.

The question now before them was one of mere expediency—one of time. Ohio had three foreigners to one that we have, and yet she has the same provision in her constitution that is proposed by the committee. So with Indiana. In Wisconsin a provision similar to this amendment had been inserted in the constitution, and the people rejected it. He would ask gentlemen to go to Europe, and into some country where the language spoken was different from ours, and what means have the people there of acquiring a knowledge of our institutions? And yet the majority of the English, Irish, and German emigrants, without the natural advantages of intuitively understanding our institutions, were brought here and placed upon the same broad platform of equal rights and privileges, and they were given the exercise of the right of suffrage in common with American citizens. Was this right? He had no confidence in this doctrine of intuitive knowledge. He desired, by voting for five years, to benefit the foreigner and not to injure him. He desired to make them become citizens, or we would have the scenes again that we had witnessed two years ago in Jo Daviess. He had seen men there who had been residents of this state for years, and who had gone over to Iowa and asked to exercise the right of suffrage, but they were refused because they were not citizens. They enjoyed the right of voting here,

and had not thought of becoming citizens. It was said that the tree of liberty had been planted here, and that its branches were to extend over the world; this he did not oppose, but he wanted guardians to be placed near it to protect it from abuses.[46]

Mr. SHERMAN said, he was born in Connecticut where they had a property qualification, and not being blessed with the qualification, had felt the oppression of any restriction upon the right of suffrage. He opposed any restriction; but if we were to place any, he thought the term proposed by the amendment—one year—fully sufficient. He would refer to the north part of the state. It was their pride that it was fast filling up by immigrants, the majority of whom were foreigners, and he asked, why not encourage them to come on, to bring their money here and buy our land? There was scarcely an immigrant coming into the state who did not purchase a farm of from 40 to 200 acres, and then commenced paying taxes upon it. The immigration this year, he had been informed, was of the best kind. He alluded to the patriotism of the foreigners, and stated the fact that four-fifths of the two Chicago companies was composed of foreigners. He denied the charges of fraud in the elective franchise by foreigners, stated by the member from Boone, and informed the member from Jo Daviess that they had uniformly voted against the "canal ticket" on the line of that work.

Mr. BROCKMAN advocated, in a speech of considerable length, the adoption of the amendment.—He repelled the various charges of incompetency from ignorance, and want of patriotism on the part of the foreign population. We have a full report of Mr. B.'s remarks, but cannot insert them today.

Mr. DAVIS of Massac said, this question had been fully discussed, and he desired not to detain the committee. But as he was chairman of the committee which had reported this section he desired to express the reasons which had governed him in so doing. There was a difference in opinion in the committee on this subject. He was opposed to that portion of the report now under discussion. There were six in favor of it and five opposed to it. It was argued in committee, and they could not agree.

[46] A longer account of this speech by Pratt may be found in the *Sangamo Journal*, August 12.

He was instructed to report it as it now stood. He did so because he concurred in every other feature of the report, and looked for a change of this provision when it should come before the Convention. He did not think it necessary for him to argue that the states had the power to control and regulate the exercise of the elective franchise, that was too plain a proposition to require further argument. He read from Story's Commentaries, and said that the matter was settled. Mr. D. followed the question, with his usual warmth, through all its points, and argued that it was right, just and politic for the state of Illinois to adopt the amendment.

Mr. BUTLER discussed the question to a considerable length, but our space will not permit us to report his speech. He placed the matter home to the whigs, and showed that from that quarter alone came the opposition to the right of foreigners having a voice in our elections. He contended that the best interests of the state should prompt us to give them the right of suffrage in the shortest possible time, after filing their declaration to become citizens, and that while we impose upon them the burdens of government, we should not so far forget the dictates of justice and the rights of man, as to refuse to extend to them its immunities and privileges. That he considered this a party question. The whigs had made it, and [he] was free to acknowledge that while he acted upon principle, he acted as a party man in this respect. That he belonged to a party which he took pride in saying was founded upon principle, and it was impossible for him, or any other person who belonged to a party that had any principles, to act otherwise than as a party man to this extent, gentlemen's declarations to the contrary notwithstanding.

Messrs. TURNBULL and DAVIS of Montgomery followed in opposition.

Mr. WHITESIDE offered, as an amendment to be added to the amendment, the following; which was accepted by Mr. ROMAN:

"And provided further, that if such inhabitant shall not perfect citizenship according to the laws of the United States, at the earliest practicable period after declaration of intention, then the elective franchise shall cease until citizenship shall have been perfected."

Mr. CAMPBELL of Jo Daviess opposed the modification and hoped that it would be withdrawn, because he did not see how our constitution could be made so as to compel foreigners to perfect their naturalization. The question properly before us is, shall we admit them to the right of suffrage, or deny it. If we give them the privilege, it is not competent for us, at the expiration of five years, to say to them—you shall have this right no longer. He did not intend, after his opening address a few days ago, to detain the committee by making a speech. He regretted that those who opposed the extension of this privilege had not come forward with the reasons for this change in our policy, and for their silent vote upon this question. The people desired argument and reasons for this change, and will not be satisfied with a silent vote. We want in our state an increase in our laboring population, and when gentlemen refuse to give their reasons for their silent vote, by which they cut off an inducement for that class to migrate here, we must conclude that behind that silent vote is hid some secret party intention. We want the men among us to do hard labor. It is said that we have in ourselves the means of developing our resources, and that to protect our own citizens we must exclude the foreigners. There is no competition in labor. There is no competition here for the privilege of laboring in our state.

It was unpleasant to him to be obliged to refer to the remarks made by his colleague this morning.—He would merely state a fact in relation to the opinions of that gentleman, before the meeting of this Convention, which would not be denied, if it were, it would be a denial of truth. Before the election we rode out from Galena to a place called Vinegar Hill, where there were some 60 or 70 foreigners at work. After entering into conversation with them upon the subjects that would come before the Convention, this subject of the right of suffrage came before us, and that gentleman told them that he was in favor of foreigners, after a residence of one year, and a declaration of intention to become a citizen, to be admitted to the exercise of the elective franchise. And the good faith with which he carried out that pledge has been shown here this morning.

Mr. C. said that he had challenged gentlemen to point out the dangers to be apprehended from foreigners coming amongst

us. The member from Montgomery read to us some fragments of a letter of Washington, found by him in the torn columns of a contemptible "Native American" newspaper.

Mr. DAVIS said, it was none of the business of the gentleman from what he read. Did he deny that it was a letter of Gen. Washington?

Mr. CAMPBELL admitted what was read might be the letter of Washington, but it was garbled. It was said that the devil always quoted scripture, and if he could do so, why not that party quote isolated remarks of Washington and Jefferson, and sustain the most contemptible doctrines? He hated the very name of "Native American." Native American! He abhorred and despised the very name. Go to yon city in the east, look at the lofty spires and towering domes erected to the honor and glory of God, torn down, desecrated, and reduced to ashes—and my colleague *justifies* this! God and his religion torn down and trampled to the earth—and it meets with justification, and from *such a source!* Mr. C. addressed the committee at much length in support of the amendment, and upon the good character of our foreign residents.

Mr. DAVIS of Montgomery replied, and passed an eulogy upon the Illinois volunteers.

[Mr. DAVIS, of Massac said,[47] it was necessary that he should explain the position which he occupied in regard to the report. The committee were divided, and although every effort was made to produce a reconcilement of opinion, it was found utterly impossible for them to agree. The division on the report was five to four, and he was finally instructed by the majority of the committee to make the report in the form in which it had been presented to the convention. It may be thought strange, pursued Mr. Davis, that I have come in here with this report whilst I entertain opinions adverse to it. There is but one single proposition, however, involved in it, which does not meet my entire and cordial approbation, and that is the proposition which has elicited so much discussion, and which is now under consideration.

[47] This account of the speeches of Davis, Butler, Campbell, and others is taken from the *Sangamo Journal*, August 12.

It has been contended that a State of this confederacy has no right (in consequence of the power which has been conferred upon the general government to establish rules on the subject of naturalization,) to fix the qualification of electors. This is a proposition which is so palably wrong as not in my opinion to need discussion; but although it is clearly wrong, and has ever been so held, yet I will enter very briefly into its discussion, and will produce authority to sustain my position. It never has been pretended, I believe, sir, that in consequence of conferring by the several States, in the constitution of the United States, upon the Federal Government the power to establish an uniform rule of naturalization, that therefore a State has no right to fix the qualification of electors. I will here read an authority in point. I read from Story's Commentaries:

"There is no pretence to say, that the power in the national "government can be used, so as to exclude any State from its "share in the representation in Congress. Nor can it be said, "with correctness, that Congress can, in any way, so alter the "rights and qualifications of voters."

If this authority be correct, then, sir, there can be no doubt as to the power of this convention to fix the qualification of electors. There can be no doubt as to the power of this body to say that an individual born in a foreign land, may come here and exercise this important privilege; and to show that the position occupied by the gentleman from Macoupin, and others on the same side with him, is untenable, it is only necessary to advert to the fact, that they are perfectly willing that all persons who may be in Illinois at the time of the adoption of this constitution, may exercise this important franchise. Now if it be a violation of the constitution of the United States, to provide by constitutional provision that foreigners coming to the country hereafter, may exercise the elective franchise, notwithstanding they may not have been naturalized, I say, if it be true that it would be a violation of the constitution, as has been contended by some gentlemen, to allow such persons to vote, unless they have been naturalized under the law of congress; would it not be equally a violation of the constitution of the United States to allow individuals to vote who may be here at the time of the adoption of this constitu-

tion? If one proposition be true, it follows necessarily that the other is also true; and if gentlemen will take this view, it seems to me that they will at once renounce the arguments they have made in regard to the power of the convention to fix the qualification of electors, and that it will constitute in their opinion no serious objection to persons coming into the country hereafter and declaring their intention to become citizens, enjoying this important privilege, notwithstanding they might not have been naturalized according to the laws of the federal legislature. I before said that it was useless, in my opinion, to enter into the discussion of this constitutional question, upon which gentlemen have fallen into a palpable error. The only question, in my judgment, which should engage the attention of the committee, is whether or not it will be proper for the convention to fix the qualification of voters according to the mode proposed by the gentleman from St. Clair, and in order to come to a conclusion upon this proposition, it seems to me that it will be only necessary to ask the question, will these persons be faithful in their allegiance to this government, and capable of exercising intelligently the elective franchise? In my opinion nothing more should be required as an evidence of their attachment to our constitution and laws, than the solemn declaration made in the presence of a court of record, of their intention to become citizens of the United States, and a renunciation of all allegiance to the kingdom from which the emigrant may come. Can there be a stronger evidence than the oath made in open court, in the presence of the people and of his God, of the intention of the party to become a citizen? Could there be a stronger evidence, I say, of his sincerity? The mere lapse of time could add nothing to the obligation which he would feel to adhere strictly to the principles of the constitution,—to support it, sustain it, to do everything that a good citizen should do. The mere lapse of time, I repeat, can constitute no argument in favor of the supposition that the party would be attached to the constitution. The question then is, could he exercise the right of voting intelligently? Is he in a condition to do so? Does he understand the constitution and the laws of the country? Is it probable, sir, that an individual would take an oath to support the constitution without understanding it? Is it probable that

an individual would renounce all his early associations—abandon the land of his nativity—everything endeared to him by the recollections of his youth, and declare his intention to support the constitution and laws of the country of his adoption, unless he had some idea of that constitution and of those laws under which he was about to live? I know, sir, that it is important that every man who may be called on to exercise the important privilege of voting, should know something about the institutions of the country, and should be capable of making a good selection when he comes to vote for those who are to administer the government; but we have no means in this republic of ours, of ascertaining whether an individual is acquainted with the institutions of the country, but such as are presented to us in the ordinary way. We cannot know whether a man is qualified to do this or to do that except by ordinary means. Now I apprehend, though I am not very well acquainted with many foreigners, I apprehend that most of them when bidding adieu to their homes, and launching upon the broad bosom of the Atlantic to come to this country and swell the current of freedom, are actuated by the best possible motives; that they are anxiously bent on doing all they can to make themselves freemen, and to assist in the promotion of the great principles of human liberty. And is it to be assumed that they are the most ignorant classes of Europe? I think not. It is the intelligent; it is those who are capable of entering into the most noble of enterprises, who leave their homes for the purpose of finding a new home in the western world. The idle, the slothful, and the ignorant will remain at home and bear the fetters and shackles of the government under which they have been born; he has no ambition to seek a home in another country, where he may enjoy in a most eminent manner the benefits of a civil government, that is built upon the true basis of human freedom. Hence it is we find in the United States foreigners who have accumulated immense fortunes; hence it is that we find foreigners who have contributed to the great cause of human liberty; hence it is that we find in the United States foreigners who have on all occasions shown themselves ready and willing to bear arms and expose their lives in the defence of the country. They are attached, ardently attached, to the institutions of the country. They appreciate

them as highly as it is possible for any man to do. It is true, I admit, that an individual may have a lingering fondness for the particular institutions under which he was reared. It is true that he may have a deep-seated love for the spot of his nativity. This feeling has been well expressed by one who understood the feelings of the human heart:

"Breathes there a man with soul so dead,
Who never to himself has said,
This is my own, my native land?"

It is impossible to eradicate from the mind this feeling of attachment to the place of one's birth. But, although it is endeared to us by many fond recollections and pleasing reminiscences, yet it is equally true, that if we are endowed with minds, we can divest ourselves of all attachment to that which is political error. What was it that produced the original settlement of this country? It was the oppression which prevailed in the old world. The genius and intrepidity of the old world discovered and settled this continent, and is it to be presumed that men who brought to this country with them an ardent love for liberty, and an unconquerable hatred of tyranny; is it to be presumed that their descendants or the descendants of the same families in the old world, have lost all idea of good government—are not now as much attached to the idea of republicanism as they were then? Why, it is a notorious fact, and that fact has been spread before the world, by one of the most able writers of the present century, that there is an unusual tendency throughout the whole civilized world, to throw off the shackles of oppression, and to establish liberal governments.

The gentleman from Macoupin thinks that something more is necessary than a mere declaration of intention to become citizens. Sir, if we were to require all citizens of our own happy country to possess in an equal degree intelligence to exercise in an enlightened manner the elective franchise, and to refuse its exercise to those who fall short of this standard, I fear, sir, that many, very many must be excluded.

It is not to be expected that every man should be acquainted with the constitution of the country, so as to be able to write a commentary upon it; but it is to be expected that every man will

be able to judge between a good and a bad government. It is expected that everyone may be able to discern between a factious tyranny and universal freedom. The idea that was expressed the other day by the gentleman from Jo Daviess, and in which I concurred, that it was the interest of the State of Illinois to do all that it can do, to invite immigration. The same policy that governed the actions and deliberations of the Convention of this State in 1818, should, in my judgment, govern the deliberations of and action of this body. It was then thought desirable that persons should be invited into the State, to settle its verdant prairies and cultivate its acres. It is now no less desirable than then, that they should be invited into this country, or at least that there should be no obstacles thrown in the way of immigration. That all who may desire to come into the State should have every proper inducement held out to them to come here and take up their abode among us. We have a soil capable of supporting a dense population; we have a State peculiarly blessed by Heaven, and one which in the progress of time is destined, in my humble opinion, to stand unrivalled in this confederacy. We are at present under the embarrassment arising from the existence of a large public debt, and we all acknowledge it to be our bounden duty to adopt every practicable means for the payment of that debt. We all regard repudiation as a thing never to be tolerated by the citizens of this State. We all agree that every energy should be exerted for the speedy liquidation of that debt. If then by constitutional provision, we place competition between the State of Illinois and other adjacent States, is it not probable that our population will not increase so rapidly as it would increase if we were to leave this provision open; or at least to adopt the amendment of the gentleman from St. Clair? I think so, sir.

And again, sir, it is in my judgment a violation, and I express it with great deference to the opinions of gentlemen who entertain a different view of the question—it is a violation of the natural right of every man to be represented when he is subject to be called on to perform duty, let that duty be of what character it may. Sir, all men derive immediately from their Creator the right to govern themselves, and when a government is instituted by yielding up a portion of the natural rights which belong to each

individual, then those natural rights which we derive immediately from Heaven, are to be exercised by the delegates to whom we have transferred the power of acting for us. It is wrong then, I say, sir, for the reason that these persons are to be operated upon by all the branches of the government, that they should, for a considerable period of time be excluded from the enjoyment of those privileges which belong to citizens. Is it apprehended that by admitting these people to the enjoyment of this important right, the institutions of the State will be endangered? It seems to me, sir, that we should not abandon the principle that all men are to have some participancy in the affairs of government, particularly when they may be called upon to contribute to the support of that government. These people, as I before said, are subject to pay taxes, they are liable to be called on to perform road labor and various other duties; and, sir, they, like your Shields and your Baker, when the tocsin of war has sounded, rally to the field of battle. Shall we say that such men shall not exercise the elective franchise? Shall we say, by the formation of a constitution of the State of Illinois, a State which has heretofore been characterized by a peculiar degree of liberality; shall we say that these men, men of the same family of freemen as ourselves, men entertaining the same principles, the same political views, the same ardent attachment to freedom, are we to say that they shall not, for the simple reason that they have not been naturalized according to the laws of the United States, be entitled to enjoy those important privileges? I trust that such a conclusion will not be arrived at by this committee. There is no man who would more willingly go for their exclusion than myself, if I could be convinced that there could be any just apprehension of danger to the institutions of the State, by permitting the exercise of the elective franchise by foreigners. If I thought this, I would deny them the right, but believing, as I do, from the little experience that I have had, that there is probably little danger to be apprehended from this source; I cannot believe that in view of the solemn oath to renounce all allegiance to the government of the country from which they came, and to support the constitution of the United States and the constitution of Illinois, it is right to deny them the exercise of this important privilege.

There has been in the course of the discussion a great deal of feeling evinced, and I regret it, but it is natural that when gentlemen become excited in debate, (and I am not myself exempt from this error,) they unconsciously say that which they afterwards regret. Some allusion has been made to certain gentlemen who hold seats on the floor of this convention who have come from foreign lands, and taken up their residence among us. Those gentlemen, I have no doubt, are as ardently attached to our institutions as those of us who have had a hand in laying their foundations, broad and ample. I regretted, sir, to see such a state of feeling as this. I do not know what may have been the evils the county of Jo Daviess may have experienced. I confessed in the outset that I was not sufficiently acquainted with the foreigners who are in the State to be able to judge of them; but the few foreigners who are resident in the portion of the State in which I live are, in my opinion, as ardently attached to the interests of the country as any citizen in the State. They are as peaceful and as industrious citizens as we have; they add as much to the active industry of the State as any other citizens of equal number to themselves. Shall we then prohibit these persons from enjoying this important privilege, and thus induce them to go to a neighboring State where they can enjoy them?

The objection that has been urged by many gentlemen that foreigners are not capable of understanding our institutions because they are unacquainted with our language, is certainly entitled, I think, to very little weight. There are few of them who do not speak our language, those few are chiefly Germans and it must be recollected that in Germany the whole people enjoy the advantages of education to a greater extent than the people of any other country on the habitable globe. Being educated and intelligent, they have no great difficulty in making themselves acquainted with the nature of our institutions, and they are influenced in a great degree by the same political notions, and by the same ardent desire for liberty which characterize the American people. Is it to be presumed, sir, that they will not after one year's residence be capable of exercising the elective franchise? I think not, sir. My own mind has been conducted to the conclusion, that they can after one year's residence exercise the privi-

lege intelligently, and under this conviction I shall vote for the proposition of the gentleman from St. Clair.

Mr. BUTLER next addressed the committee. This subject, said Mr. B., has been so fully and ably discussed, by gentlemen who have preceded me in favor of the proposition before the Convention, that there is little left for me to say, except to express my cordial approbation of the amendment which has been proposed by the gentleman from St. Clair. I conceive, sir, that the report of the committee, which it is proposed to amend, will, if adopted, deprive a large and respectable class of the citizens of this State of their natural rights, and upon this point I fully concur with the gentleman from Massac. I conceive it to be a natural right, a right to participate in the government by which they are governed, of which this report would deprive them. The report proposes to make a very great change in our present constitution,—a change which I believe to be uncalled for, a change which I believe the people of this State do not ask for, and as far as my knowledge is concerned, I can truly say, a change to which they never will consent, a change to which they most strenuously object, and that objection will be made manifest when the vote is to be taken on the constitution. This class of people, sir, which this provision will affect is in the section of the State in which I reside, a numerous, and I may add, a very respectable class of the community. Now, sir, they will look upon a proposition of this kind as unjust, unequal, and oppressive. They conceive that so long as they are good citizens; so long as they obey the laws of the land and properly demean themselves; and so long as the burthens of the government are imposed upon them, they should have a right to enjoy the privileges and immunities of that government, and especially the privilege which the report of the committee seeks to deprive them, which is so dear to us and will be to them. I think, sir, we are purposing too many changes in this constitution, and we shall bring down a strong opposition to its adoption, if we proceed as we have commenced;—such an opposition, as I think, will ensure its rejection by the people. Sir, I do not propose to enter into a long discussion of this matter. It has been already fully and ably discussed by gentlemen who are more competent to do it justice than I am; and I should not have spoken upon the

subject had not the gentleman from Adams made the remarks which he made last evening. That gentleman, as is usual with the party to which he belongs, raised the cry of no party, and alleged in his place that he knew of no party question having been made in this State on this subject. Now I believe that it is perfectly notorious that such is not the case, and that the reverse is true. It is well known that it has been and now is a party question, and I freely and openly and willingly avow that I act upon this subject as a party question, and as a party man I conceive that each and every party ought to be composed and constituted with reference to principles, and if a man acts upon principle, he must necessarily, to a certain degree, act as a party man; and I am free to confess that this is one of the principles of the party to which I belong, which I am proud to say has its foundation on principle. I therefore act in regard to this question as a party man; and I believe that the gentleman from Adams himself, acts from the same motives, although he is unwilling to avow it. If it be not a party question, why do we see gentlemen of the opposite party so strictly arrayed on the other side? There is the strongest evidence that can be given in this Convention, that it is a party question, the gentleman's declaration to the contrary notwithstanding. I have observed that whenever certain gentlemen in the opposite ranks get into a difficulty, certain allusions are thrown out in relation to *John Thompson and his team.* Now, sir, I understand the intention of these expressions;—I understand the meaning intended to be conveyed, and the effect which gentlemen intend to create by the use of these expressions, and I despise the narrow-minded spirit which prompts their use. I hold such a miserable low pettifogging mode of attack in the utmost contempt. I shall, however, pass that by. I leave such things for what they are worth, and I will leave those gentlemen who make use of them, as the remnants of an ill-spent political life. Whatever course I have taken, or may take, is founded upon principles, upon those principles which I hold dear, and I acknowledge the right of no individual to question my right to entertain them.

One word more, sir, upon the question before the committee, and I have done. It has been alleged that the immigration of foreigners into this State, and permitting them to exercise the

right of suffrage is deleterious to the interests of the State; that it has a bad effect; and will always have a bad effect. Has there been any evidence of this? Has there been a single instance pointed out? The gentleman from Jo Daviess is the only individual who has attempted it. He has said that foreigners who were employed upon the public works gave their votes in favor of those persons who were favorable to the continuance of those works, for the purpose of obtaining employment for themselves. The answer of the gentleman from Cook upon this point is conclusive. It is true that upon the line of the canal individuals endeavored, by representing themselves as being in favor of the progress of the work, which was then on the point of being discontinued, to procure the votes of the laborers; and what was the result? Those laborers, sir, opposed them on the day of election. Those men are in that region very numerous; they have never set in the exercise of the right of suffrage personal considerations above those of the public interest. They are very numerous, and yet in all the delegation from that region of the country, there is but one member on this floor of foreign birth from that section of the State: and though numerous, sir, they have not presumed to ask, that which gentlemen have said they would ask, if the right of suffrage should be extended to them.

But, said Mr. B., there is another view of this question which induces me to extend the right of suffrage to foreign immigrants after one year's residence. The right of suffrage, the right to a voice in the selection and election of the various officers in our government, has had, and will have the effect of inducing them to inform themselves as to the nature of our institutions and to qualify themselves to discharge this and other duties understandingly and in a proper manner. But, sir, if you deprive them of this privilege, if you refuse to give them a voice in the administration of the government, you take away this incentive, this inducement to thus qualify themselves, and you create in them a want of attention, a carelessness, which in a great measure would render them unfit for a proper exercise of this privilege. Such will, in the course of things, be the effect on the minds of men, and such has been the effect in all despotic governments, and governments which deprive their people of this invaluable right,—a right

upon which the liberties of every nation in a great measure depends.

Mr. DAVIS, of Montgomery, said that he had not intended to say anything on this subject. He had no apology to offer, however, for detaining the committee a few moments. He would not suffer himself to indulge in abuse of foreigners, nor would he pass any eulogies upon them. He proposed briefly to notice some of the arguments which had been made use of. The gentleman from Shelby, said Mr. DAVIS, stated clearly and distinctly that the government ought not to extend the right of suffrage to aliens until they become citizens; because, until they become citizens this government had no control over them. The government, according to the gentleman's views, would have no power to compel these persons to defend the country in time of war; and that in case they were admitted into the army, and should desert and go over to the enemy, this government would have no power to punish them. The gentleman (continued Mr. Davis), stated these things as clear and indisputable facts, and so I maintain they are. No gentleman here has, as yet, satisfactorily answered them. Is there any gentleman who pretends to say that if we adopt a provision giving the right of suffrage to foreigners, without naturalization, they will be amenable to the laws of the general government? Is there any gentleman here who will pretend to say that the state of things, as stated by the gentleman from Shelby, does not actually exist? If there be such an one, I would like to hear him maintain that position. Is it not right then that a foreigner should be required before being allowed to vote, to place himself in a situation in which the government would have jurisdiction and control over him, at least so far as it has over those who are born here? Now, I call the attention of gentlemen on the other side to this point, and if they are able to explain it to my satisfaction, I hope they will do so. The gentleman from Jo Daviess, this morning, placed the matter on its true ground; he argued it fairly; and I would like to hear his arguments replied to and refuted, if gentlemen are able to refute them. He said it was a question of time; that it was a question as to whether it would not be best for us and best for the foreigners themselves to make the term of residence, previous to naturalization, equal to that required by the laws of the United States, as they are at present—

which would make them qualified citizens everywhere;—make them not only citizens of this State, but entitle them to the privileges of citizenship in every other State in the Union, and bring them completely under the jurisdiction of the government. That would be placing the matter upon its true and proper foundation. But the amendment proposes to place the foreigner as soon as he lands on the shores of Illinois, upon precisely the same footing as a man from the State of New York or Kentucky. Now, I ask is this right? I understood the gentleman from Massac, (and there is no gentleman on this floor in whose intelligence and talent I have more confidence, but it does seem to me that he was in error in regard to this matter), I understood him to say that foreigners had a natural right to vote. I maintain, sir, that they have not a natural right. I say that the organization of government is arbitrary, and that we, having organized a government of our own, and conferred certain privileges upon our citizens, may say to persons coming from another country, that they are not entitled to claim anything as a natural right. Why, I should like to know, if such doctrine as this is to be advocated here by lawyers,—by those who have made the science of government their study. Sir, in the broad open field of nature, before any government was organized at all, men had natural rights; but the moment governments were organized, each man gave up a portion of his natural rights. Is it to be contended here that people from every region of the earth, people of all kindred and all colors, may come here and claim national rights under our government?—(for the gentleman's doctrine carried out amounts to this, and nothing else). He placed it in effect upon the broad platform that persons from all parts of the habitable globe have a right to come here and claim all the rights that we enjoy. The gentleman has placed himself in this position, and he cannot escape from it.

Mr. BUTLER (interposing) said that the position of the gentleman from Massac, as well as his own, was, that every individual had a natural right to have a voice in the affairs of the government under which he lived.

Mr. DAVIS, continuing: The gentleman's explanation amounts to the same thing. The gentlemen had better consult their books and ascertain how governments are organized. I lay it down as

a principle, from which no intelligent man will attempt to escape, that the organization of governments is arbitrary, and that every individual yields up a portion of his natural rights, in order that he may enjoy the protection of the government in those rights which remain to him. The difference between the gentlemen and myself is this: They contend that all persons are entitled to a voice in the affairs of the government under which they live, without submitting to those restrictions which the government sees fit to impose. This I deny. I maintain that the government has a right to prescribe restrictions. I maintain that an individual has no natural rights under a government. He has only such rights as he may acquire; and I lay it down as a broad principle, from which no gentleman will attempt to escape, that this convention has a right to prescribe in what manner aliens may become citizens, and in regard to the particular manner, it is altogether a question of expediency. But, the gentlemen say that requiring a residence of one year before a foreigner shall be allowed to vote, is depriving him of a natural right. Such a doctrine as this would destroy the very foundation upon which all governments rest. If gentlemen think, that to carry out such a doctrine as this would best promote the interests of the State, and have strength to carry it out, let them do it. It is not my intention to detain the committee very long. I said at the outset, that I should neither praise foreigners nor abuse them; I hope at least to have the privilege of claiming to understand the principles upon which our government rests as well as they do.

The gentleman from Harding yesterday read a portion of Washington's farewell address. Everyone must know that Washington's intention was to guard us against foreign influence. Sir, when we abandon our naturalization laws and admit foreigners to the privileges of citizenship without restrictions, do we not subject ourselves to foreign influence to an alarming extent; to such an extent, as upon the occurrence of a great political contest, might put it in their power to subvert the liberties of the country? It has been said, that it was a view entertained by a British statesman, that the only way to subvert this government was to throw amongst us a foreign population, and if we say that as soon as they touch our shores they shall be *bona fide* citizens, might not such a

result be effected? Might it not be done? I am only supposing a case, it is the duty of the government to guard against the most remote possibility of evil. One word regarding the issue which has been made by the gentleman from Lake: I understood him to say that it was a party question. Now, I have said as little about my constituency as any man. I represent in part two counties which have a democratic majority of four hundred and fifty. I took ground in my addresses to the people in favor of the naturalization laws of the United States, and at no time did I find it objected to by anyone.

I am going to close, sir, with a single remark in reference to this John Thompson affair. The allusions of gentlemen to this matter have been pronounced to be low and contemptible. These expressions cannot apply to me, sir, because I have never said a word about it; but suffer me now to say, that when I want to speak of John Thompson and his oxen, I will do it; and no man that breathes, no man that lives and moves, and has his being, shall deter me from doing it. I hold myself responsible to no man for any figure of speech that I may use. I care nothing about John Thompson and his oxen; let it all go for what it is worth.

Mr. CAMPBELL of Jo Daviess next addressed the committee. He desired to hear some good and sufficient reasons assigned by gentlemen who were so desirous of depriving foreigners of the privilege of exercising the elective franchise, for the position they took. Were gentlemen afraid to express their opinions? Had they any good and substantial reasons to sustain the principle which they were inclined to advocate by their silent votes? They had as yet given no reasons; they had carefully refrained from expressing an opinion; but he for one would not be satisfied with a silent vote. The country would not be satisfied with it; the people would expect to hear arguments and reasons from those who voted against extending to foreigners the privilege of exercising the elective franchise, to show that conferring upon them this privilege heretofore had been deleterious to the interests of the State.

My views on this subject, said Mr. CAMPBELL, are practical and we want the resources of this State developed, we want willing hearts and strong hands to come here for the purpose of develop-

ing those resources. And when gentlemen give silent votes against their admission, I must suppose that there are political reasons why they are unwilling to reveal to the convention and to the country, the motives by which they are actuated. Why do they not come forward and state them boldly? Some gentlemen say we have the means of accomplishing all that we desire, and it is not our policy to hold out inducements to foreigners to come amongst us. Sir, I for one am in favor of allowing the people of Europe to whom we are indebted, to come here, and by their labor, provide the means of paying the debts that we owe them. Gentlemen say that it will create a competition which will operate against our citizens. Sir, there is no competition about it; it is not a subject about which our citizens fear competition. It is hard labor that we require; and without which we have not the means of relieving ourselves from the indebtedness which rests upon us.

It is unpleasant for me, Mr. Chairman, to refer to my colleague from Jo Daviess; but I will state one fact, which I apprehend the gentleman will not be willing to deny; if he does it will be a denial of the truth. Before the election in the county of Jo Daviess, the gentleman and myself rode out to a place called Vinegar Hill, where about sixty foreigners were at work. In conversation with them about this question of naturalization, the gentleman stated, he was in favor of foreigners residing here one year, filing a declaration of their intention to become citizens, and then exercising the privilege of the elective franchise. The good faith with which that gentleman has carried out this pledge, has been revealed to the convention this morning. This is the truth, sir; it is undeniable. Sir, when I make a pledge, I carry it out in good faith. My opinions before the election, are the same as after it; and gentlemen who take a contrary course may reconcile it to their own consciences, but they cannot reconcile it with the great principles of truth and justice.

Much has been said, sir, with regard to foreigners coming to this country, and the great danger in which the institutions of the country would be placed. Sir, I called upon gentlemen on Friday, when I first rose to address the committee upon this subject, to point out to me the great evils that have arisen, as they allege,

under our present constitutional provisions; not a single reply have I heard, not one single reason have I heard from gentlemen on the opposite side for the assertion that those enormous evils exist, of which they complain so loudly. And I will ask gentlemen, occupying the position we do here, as a part of this great nation, would it not well become us to pay some little regard to the declaration of him, whose portrait hangs above your head, sir, that this country is the asylum of the oppressed of every land, although my friend from Montgomery, who read from a fragment of a native American paper, a different representation of the views of that great man?

Mr. DAVIS of Montgomery.—I call on the gentleman to say whether I did not read it correctly?

Mr. CAMPBELL.—It was, I admit, a fragment of an opinion of Washington, carefully culled out to suit native American views. And what great man is there who has ever lived in this country, whose opinions may not be quoted to his disadvantage? Why, the devil himself can quote scripture to suit his purpose; the gentleman can also quote isolated portions of the writings of Washington, Jefferson and Madison, to suit his purpose. Look at the proceedings of these native Americans! Native Americans! Native Americans! I abhor, I detest, I hate them.

Look at the magnificent domes and spires pointing to Heaven, which they reduced to ashes in Philadelphia; yet my colleague justifies their acts! Religion and human rights were both disregarded and trampled under foot by those ruthless men; both sunk before their violence; and yet gentlemen will stand up and assert, that the cause of all this was the presence of foreigners in this country! Such an argument, and coming from such a source!

Who was it that achieved the liberties of this country? Look for a moment, at the proceedings of the Continental Congress;—they addressed a memorial to the people of Ireland, asking for their assistance; and I ask you, sir, if there ever was an instance in which the flag of liberty was unfurled anywhere, in any part of the world, and Irishmen were not seen to rally around it, and to bathe the ground over which it waved with their blood, whenever it was assailed? Look, sir, at our standing army at this time; two-thirds of that army is composed of foreigners—men who are

always ready to brave danger and peril; to stand in the front rank in the day of conflict; the foremost whenever a difficult charge is to be made, marching over the dead bodies of their comrades to victory or to death. It is foreigners who are called upon to do it, and they shrink not from the performance of it. As they fall before the fire of the enemy the places of the fallen are filled by their surviving comrades; these are the men on whom to rely. I do not say this in disparagement of our countrymen. I know the love of country with which they are imbued; I know the gallant deeds that our volunteers have done; but I cannot refrain when I hear foreigners depreciated in this hall, from reminding gentlemen of their devotedness and self-sacrificing spirit. The foreigner comes here as a matter of choice; it is the act of his own free will and enlightened judgment; he comes here to enjoy the freedom that we enjoy; to escape from the oppressions which he has been made to suffer; and how have we acted towards him? We have borne him down with heavy and strong irons. Was it, Sir, for himself that LaFayette come here and shed his blood? Did he expect to enjoy the liberty for which he was fighting? No, sir; it was for those who should come after him. Look at Montgomery, whose rich, red, republican blood melted the Canadian snow. Was he fighting for himself when he yielded up the divine essence with which the Creator had endowed him? No, sir, he was fighting for the cause of liberty. Did he suppose that any American who should come after him would ever raise his voice to deny to others the rights and privileges for which he fought, and bled, and died? Oh! sir, it is a horrible thought! The great, glorious, and immortal Washington declared that this country was the asylum of the oppressed. We had the prayers of the Irish people in the Revolutionary war; their supplications were addressed to high Heaven for our success; they sent their sons to our aid; they sent them to assist in maintaining the cause of liberty; and yet there are gentlemen now in this Hall who maintain that those men—the descendants of the very men, it may be, or at all events descendants of the same stock as those who rocked the cradle of liberty, should not be admitted to a participation in those privileges which we enjoy!

"Can these things be?
And overcome us like a summer cloud,
Without our special wonder?"

Sir, I feel an abiding interest in this matter. I feel as though we were departing from the principles established by those who founded the government. Why should not foreigners come here and participate in the benefits of the free and independent government which we are enjoying? Look at our broad domain; our widely extended prairies, rich beyond comparison; shall we repulse this tide of population now flowing towards our State, lighted by the ardent sun of liberty, which rising in the East is travelling onward, till at last its golden beams will rest upon the waves of the broad Pacific? Shall we resist the tide thus rolling onward? No,—rather let it flow, and swell our greatness; and let the stars and stripes wave proudly over a prosperous and happy people. Let us not say to those who desire to participate with us in the enjoyment of those blessings,—we will not suffer you to come and enjoy the blessings of independence, which your fathers assisted us in achieving. Would this be right? Is it an American principle? Is it the doctrine which we ought to avow in the face of the world? Is it the result of such a doctrine which is carrying our army victoriously to the city of Mexico? I deny it. Liberty in its broadest sense is emphatically the doctrine of the American people. Despotism is to be broken down and destroyed throughout the world. Look at our Missionaries now in Rome; yes, in Rome! once the seat of learning, science and the arts, when America was a wilderness—*a terra incognita*. We are now sending missionaries to impart to them the lights of knowledge, and yet we say to the people of Europe, you shall not come here and participate with us in the blessings we enjoy.

Sir, I know I speak the true voice of the American people. I know I speak the voice of every liberal heart. Those gentlemen who see fit to differ with me in opinion, I care not where they come from, whether they have lived under the charter of Charles the Second or not, they cannot advance their illiberal principles in the State of Illinois.

One word more, Sir, and I have done. We have extended to aliens after a short residence here, the privilege of exercising the

elective franchise. It is impossible, that in the formation of a new constitution, they should be deprived, in any degree, of the privileges which they are enjoying. I apprehend that it is admitted on all hands that it is not in the power of this Convention to take away from them the rights which are guaranteed to them by the constitution under which we live at present; and are we to make a difference between those now here, and those who come afterwards? Suppose that Congress should listen to Native Americanism (which God forbid); and require foreigners to remain twenty-one years before being entitled to the privilege of exercising the elective franchise. Then if a foreigner comes here, he must remain twenty-one years, before he will have a right to vote under our constitution. Would this be just? Would it be right? Shall we make this invidious distinction? It seems to me it cannot be our policy. It seems to me it would be manifestly wrong.

Mr. DAVIS of Montgomery rose and addressed the chair. I understand the gentleman to say, said Mr. DAVIS, that two-thirds of our standing army are foreigners, and that when in the heat of battle men are called upon to make a desperate charge, these are the men. Sir, to this I enter my unqualified dissent. Sir, the idea that an army, two-thirds of which is composed of foreigners, will stand up and bear the brunt of battle, in a difficult and desperate charge, more patriotically than an army compared [*sic*] entirely of our own citizens, is a doctrine that I never will subscribe to, while a drop of American blood runs in my veins.

Mr. CAMPBELL. Their superior discipline enables them to do it.

Mr. DAVIS. I care nothing about their discipline, and I wish to say nothing disparagingly of foreigners, but, sir, I refer you to the heroic acts of our volunteers in Mexico. I refer you to the field of Buena Vista. Who was it that bared their bosoms to the shafts of the enemy? Who was it that drenched the soil with their gore? Was it a standing army composed of foreigners? No, sir, no; it was the sons of Kentucky; it was the sons of Illinois, who drenched the soil to profusion with their blood. Sir, who was it that gave up their lives in the battle of Cerro Gordo? Who was it that marched fearlessly up to the cannon's mouth? Was it this well drilled and well disciplined standing army composed

of foreigners? The response, sir, is no!—no!—no! It was the citizen soldier;—the soldier who had drunk the spirit of republican liberty from his mother's breast;—who had been dandled (as was said yesterday) upon the lap of an American mother. It was the citizens of Illinois and Kentucky that rushed to the mighty and unequal conflict, determined to conquer or die. It was men emboldened by patriotic feelings, by a love of country, which is implanted in every American bosom. It was no standing army composed of foreigners. Sir, it is an honor now to be an Illinoian. She stands side by side with Mississippi and Tennessee; and she stands there at great cost. She stands there at the cost of the lives of her most valued citizens;—at the cost of the lives of the sons of Illinois, who have poured out their life-blood upon the battlefields of Buena Vista and Cerro Gordo. They have created an imperishable monument to the fame of Illinois,—one which every American will be proud of, as long as the "star spangled banner" floats upon the breeze. Sir, they have done more,—they have established beyond the possibility of a doubt, the fact, that a standing army, so far from having any advantage over an army of volunteers, is infinitely beneath them in efficiency. Our volunteers went to Mexico with the prejudices of their commanding officers against them. It was supposed that no confidence could be placed in them undisciplined as they were, having abruptly exchanged their peaceful homes and fire-sides for scenes of strife and carnage. They went there to give the lie to the doctrine which has been preached, that a standing army is necessary. They have shown that the proud, the noble reliance for the defence of the country, is upon the citizen soldier, because his heart beats with patriotism,—because he is ready on all occasions to sell his life in defence of liberty,—because he is always ready to defend the country with his blood.]

Mr. PRATT said, he hoped the Convention would not consider him as saying more than was due to himself after what had fallen from his colleague in relation to his allusion to the Philadelphia riots, and his pledges to his constituents. He could not understand the object of that gentleman in making the attack. It would, however, if not replied to, have the effect

of lessening my influence here, if I have any, and place me before my constituents as a man derelict and wavering in my pledges to them. He charged me with having, a short time before the election, gone with him to a certain place in Jo Daviess county, where there were some sixty or seventy foreigners, and that I there pledged myself to go for a proposition the same as the one I have this day spoken against. That by this means I had deceived my constituents, and had stolen votes, which otherwise would have been thrown against me. This is a serious charge, and it is but proper that I should state what did take place on that occasion. If the charge be true, honorable men should know it; and as the charge, if true, will degrade me, it is but proper that all should understand it if it be untrue. The facts are these: A few days before the election, my colleague and myself got into a buggy and rode out into the country; on our way, and at a place called Vinegar Hill, we accidentally came across a body of Irishmen, sixty or seventy in number, making what is called a bee-fence. They were all known to me, and more acquainted with me than Mr. CAMPBELL, because he had been absent from there for nearly four years. They were most of them personal friends of mine, who had heard me speak often, and I suppose six-sevenths of them were my clients. While sitting in the buggy and conversing with them, we very naturally questioned them about this subject of foreigners. Mr. CAMPBELL made a remark, the substance of which was "I am opposed to any alteration in the present constitution. I am for allowing all who come here the right to vote after six months residence." I said to them, and put the question only as a feeler, in order to obtain an expression of their views, and never considered it as pledging myself in any manner upon the subject, "what would you think of a proposition to enlarge the term to one year, and require a declaration of intention to become citizens?" That I made any pledge to vote for such a proposition, or expressed myself in favor of it, never occurred to my mind. Those foreigners, however, replied "we are not in favor of any such proposition, we want no provision other than that of becoming citizens; you have degraded us by your mistaken confidence and friendship, as we, in consequence of being allowed to vote, have not become citizens." This is what took place. I

never made any such pledge as he speaks of. I can assign no motive or cause why the gentleman has placed such a construction upon what took place at that time, except that there was a barrel of beer and a keg of whisky on the ground, and that sometimes *some* of our friends, from *such causes*, have produced in their minds an excitement which impairs their recollection upon what does actually take place on such occasions. Nothing has ever been said by that gentleman since upon this subject. We have ever been on the most intimate terms. He is a man whom I have always treated as a friend; in sickness and in health I have defended him, when attacked, as I would have done myself, and I can attribute his attack upon me to-day as prompted only [by] chagrin and feelings of envy, caused by what he may feel has been the effect and impression created by the remarks made by me to-day.

Mr. CAMPBELL said, it was unpleasant to be compelled to refer to the personal remarks of his colleague. I can only say that the statement which he has made of what took place at the interview with the foreigners, of which he insinuates my memory is not clear, is most unqualifiedly false, and I hold myself responsible for the remark, and if he is a man of courage he will notice it. Why, sir, he admits that he put the question to them, but he says he did it as a feeler. He gave them to understand that he was in favor of such a proposition. He says they were his friends, and that six-sevenths of them were his clients. *Six-sevenths of sixty men* in Jo Daviess county, the gentleman's *clients!* He says that they all answered that they were opposed to any such thing. Why, sir, we were not in conversation with one-twentieth of the people there at any one time, and how could they have all answered his proposition, when he, sitting in the buggy, put the question to a few? Sir, if he had made there, or in Jo Daviess, such a speech as he made here to-day, he would never have held a seat on this floor—and as it was, he got here by only nine votes! I hope the Convention will not be troubled with this matter again, but that it will be left to ourselves to settle, personally, and out of the Convention.

The committee then rose and reported progress. And then, on motion, and to give the Districting committee time to meet, the Convention adjourned till to-morrow.

XLI. THURSDAY, JULY 29, 1847

Prayer by Rev. Mr. CRIST.

Leave of absence for ten days was granted Messrs. TROWER, LAUGHLIN and POWERS.

A call of the Convention was ordered and taken.

According to order, the Convention resolved into a committee of the whole—Mr. HARVEY in the chair, and resumed the consideration of the report of the committee on Elections and the Right of Suffrage.

Mr. HENDERSON said, that he lived in Joliet, and never heard of the frauds upon the elections, or the running of wagon loads of foreigners from there to Chicago, on election days. He was in favor of the amendment. He thought it our policy to hold out to the foreign immigrants, the greatest inducements, to settle in our state, in order that by an increase of our population, the aggregate amount of tax may be greater, and we have more means to pay our debt with. The capital of all states was their population; their wealth—the industry of their inhabitants. These foreigners coming into our state, added both to the wealth and capital of our state.

Mr. KNOWLTON said, that he was a member of the committee who had reported this section, and he would express his views upon the subject. He had no fears in expressing his opinion to be in favor of the report, although there were some three or four hundred foreign voters in his county, and a large democratic majority. He had taken the ground there, that citizenship should be required, and the mass of the intelligent foreigners asked for such a provision. He had seen the ignorance of foreigners in relation to our institutions, and from experience, he would not entrust them with the elective franchise, until they had first become citizens. He had seen them led like cattle to the polls by designing demagogues. He extended his remarks upon this point for some time, and argued that five years was but a short period in which to acquire a knowledge of our government, suffi-

cient to exercise the right of suffrage with prudence and judgment. He pointed out the immense hordes of immigrants flocking to our shores, and the probable numbers that were yet to follow, the possibility of their out-numbering the natives at the polls, and asked would this Convention set the example of permitting them, fresh from their native land, to decide and control our elections. He commented at length upon the downfall of the Roman empire, the Athenian and Adriatic governments, by the admission of foreigners, and thought the warning thus set, should be well considered, before we adopted the principle contained in the amendment. He alluded to the love of country, and denounced that man who did not love his country above all others, to be dangerous to any community. Foreigners must love and value their native lands more than any other. He also opposed the amendment, on constitutional grounds. It interfered with the powers given to Congress, to establish uniform naturalization laws.

[Mr. KNOWLTON said:[48]

Mr. CHAIRMAN, Already has the debate upon this vexed question been protracted to such an extent that I am exceedingly unwilling to trespass longer upon the time and patience of this convention; and I would not now do so, were it not that as a member of the committee from which the report emanated, now under consideration, I feel it incumbent upon me to express my views in relation to this report. My duty to my constituents demands that I should explain to this convention, my opinion in relation to this subject. Sir, I am not one of those who remain silent through fear upon any question where it is necessary my views should be heard. I intend always to be prepared to act up to the requirements of duty, and whenever the path of duty lies clearly and in straight lines before me, I hesitate not for an instant to enter upon it. A sense of duty should be with us everywhere, most especially with us, who are acting, as we are perhaps now acting, for unborn millions. In such a situation I know no fear, and there is no opinion that I hold, no feeling of my bosom that I wish to screen from the eye of a prying world. It was intimated by the gentleman from Jo Daviess yesterday, that there were

[48] This speech by Knowlton is taken from the *Sangamo Journal*, August 27.

members of this convention, who would not come forward and express their opinions upon this subject, for fear of offending the foreign population that reside within the limits of this State. Sir, I am not one of those that entertain any such fear. Although in the county which I have the honor in part to represent, there are some two or three hundred men not born upon our soil, that vote at our polls. Nor, were a majority of those men opposed to my election? Among them I acknowledge some of my warmest and best friends, and I am proud to believe that it is their desire, that the elective franchise of their adopted country, should be faithfully and carefully guarded.

And, sir, I will suggest another reason, and a stronger one too, why it becomes my imperious duty to advocate the proposition that foreigners should become naturalized before they are entitled to the privileges of the elective franchise. Sir, in a circular that I issued to my constituents, previous to the election, I freely and fully stated my opinions upon this subject. I took the same ground then that I take now, and yet, I believe, I had a majority of all the alien voters in my county in my favor. I often conversed with them upon this subject, and I am happy to say, that they mostly agreed with me in opinion, and were desirous that an organic law should be passed and incorporated into the constitution, requiring those aliens that shall settle in our State, after the adoption of the new constitution, to become naturalized before they are entitled to the privileges of the elective franchise. I know not what may be the wishes and the feelings of the alien population in other counties; but in mine, I believe it to be a settled conviction in the minds of the foreigners, those of them who understand the nature and character of our institutions, that such a law should be passed. They ask that it may be passed. They ask it for their own protection and for the protection, of what to them, is now their common country. If they are good citizens, could it be otherwise than that they should desire it? Is the right of franchise to be cheaply purchased? Is it not one of the dearest privileges that we possess? Can we hold it too sacred? Can we guard it too strongly? I think not, Sir. It was a privilege secured with blood, and it should be more esteemed than the diamonds of Golconda. It has been said and reiterated in this

convention, that there can be no reason brought forward why an alien should not be entitled to vote as soon, and upon the same terms as a citizen from a sister State. Sir, all men do not think alike, and perhaps it is well for the world that it is so. It has been my fortune to have some acquaintance with aliens—as much perhaps as any member who has addressed the committee—and it would have pleased me much to have found them as intelligent and as well informed as my own countrymen. I do not mean to have it understood that I do not believe, aye, that I do not know, that there are good and valuable men among them; but my experience has convinced me, that they are not as capable of understanding our laws, and appreciating the value of our institutions, and of balloting with the same discrimination and practical knowledge, after a short residence among us, as those who have been born, and reared, and educated in our country. My experience tells me that this is the case with the majority of our foreign population, and had it not been so strongly and strenuously asserted, how extensive was their learning, how great their patriotism, and how much superior they were in the knowledge of the laws and constitution of our country, to those who have been born on our soil, it would not have been necessary for me to have stated what my experience has been. I believe that the conclusion which I have arrived at, and which I have here stated, regarding aliens, to be correct; and I believe that the Frenchman, the German, the Swede, the Russian, aye even the Prussian, (and it is said that in Prussia exists the best system of common schools in the world), cannot properly be prepared to give his vote in the short space of one year from the time he shall make his home upon our prairie soil. Why, sir, when they first come among us they cannot utter a word in, nor read a line of our language.

Then whence their knowledge of our institutions? It has been said that they study their nature and their character by their firesides, in the old world from whence they have emigrated. How many of them to whom the art of printing is but as a dead letter? How many can obtain from prejudiced books, what it takes years of practical experience to acquire? Until they know somewhat of our language, whatever idea they receive of the character of our government, they must obtain from party men,

be those men whigs or democrats. On this question, I trust I am above all party spirit, any party feeling. They may go, thus circumstanced, unwittingly to the polls, without reflection, without knowledge. Is it so with those who have been born in this country, those who have been nursed upon our soil—those over whom the eagle of liberty, that proud bird, whom we have chosen as our national emblem, has ever stretched her protecting wings—those whose first breath was drawn, whose first accents were lisped in an atmosphere of freedom? Sir, we have heard from the pulpit, from the forum, from the stump, from the corner of the streets, everywhere, wherever men do congregate, the principles of our government discussed, until those principles have become "as familiar to us as household words." Is there no advantage in this? Is there no advantage in beginning early in life to make a subject so important our study? Is there no advantage in hearing it talked over and canvassed? Is there no advantage in listening to the opinions of those who have made it the study of their lives? Why is it, sir, that as soon as the child begins to articulate, to lisp in broken accents the idiom of his mother tongue, the fond parent commences to teach him his alphabet? Is it not that the young mind may early be put in training for several studies; that it may gently and quietly unfold itself, and thus proceeding onward from step to step, at last, after the long lapse of years, be able to master the most abstruse and difficult of the sciences? Can a child do all this in a year? Can the full grown man, with all his feelings chastened and all his intellectual faculties developed? This is not experience. And shall we promulgate to the world that a man who knows not a word of our language, who never uttered, in our pure Anglo Saxon, the term republican, can come here and forthwith understand our institutions better than we do? Mr. Chairman, there are such *things* as demagogues in this country, creatures with a name, but without form or substance. O! that I could portray them in all their horrid deformity;—that I could paint them upon the retina of every man's mind in this convention, in their true colors, in all their utter loathsomeness. What reck they of country, of State, of State pride, of national prosperity, if they can but carry out their own vile schemes of personal aggrandizement? Sir, the practised

demagogue has no heart. If he could but gain a vote by it, he would utter a stump speech upon his mother's grave, ere the fresh earth that had been piled upon her bosom has been warmed by the rays of the first rising sun. He would mount his father's coffin, and hold forth to the wondering multitude, ere all that pertained to him of mortality had in its dark, narrow, subterraneous cabin been laid. Sir, it is time that the spirit of demagoguism should be looked upon with that contempt, that utter contempt that its low and bastard lineage would seem to require. But it is a strong passion. It is confined to no age, no nation, no clime. Scotland, old, ancient Scotland, the land of Wallace and of Bruce, has, in these our days of modern degeneracy, become tainted and tinctured with it. It may be a counterfeit presentment. Perchance the blood of the children of Green Erin may have been mingled with and thrilled through the veins of some of Scotia's pretended sons.

But, sir, let me not be misunderstood. I am not opposed to foreigners emigrating to this State. I wish not to prevent them from settling here. I have always loved and respected the great and the good of other climes. No matter where they were born, where they lived, or what sun had burned upon their complexion. Who of us does not feel a pride in, aye, a love for, our mother country's mighty dead, as well as her mighty living? If there are any such in our land, they are not truly American in spirit. They are not such Americans as we would wish all those to be, who claim a birthright upon our own free soil. Can we forget, and would we, if we could, forget, how, prior to the Revolution, the elder Chatham, and Fox, and Burke, and Barre, in England's proud parliament, lifted up their voices, and poured forth their glowing eloquence in favor of the then American colonies? How they resisted to the last, with argument, with persuasion, aye, even with denunciation, that taxation of the colonies that was proposed by their tyrant king?—how Pitt forewarned him that he was about to lose the brightest jewel of his crown? Have we not loved to read and ponder over the glowing pages of Chaucer, and Spenser, and Milton, and Dryden, and him

> "Who played with the thunder as with a familiar friend,
> And wove his garland of the lightning's twist?"

And Shakespeare, too, the child of fancy and of song,—he who delved amid the abstruse mysteries of the human mind, and etched out the lineaments of the human passions with a pencil of living light,—he who wrote in our own language, in whose veins coursed and thrilled our Anglo Saxon blood,—he who played upon "a harp of a thousand strings, and tuned them all to sweet accord."

These, all these, are a part and a portion of our own fame. They lived in another age, in another clime. But we claim a common origin with them; we love them, and regard them in a measure, as a part and a portion of ourselves. Is it not so? And when the gifted and the philanthropic of England's sons are spoken of, do we not feel almost as if they were our own countrymen; and is this not one of the noblest, and proudest traits of American character, that we can look across the broad ocean, and believe, and feel, that the fame of the distinguished scholars, and statesmen, of the mother country but adds luster to our own republic? Nor is it to the mother country alone, we offer up a grateful remembrance. Sternly we strove with her for the high privilege of ruling ourselves, and of becoming, the greatest and purest, of the nations of the earth. To have become so, we owe much to those whose birth was not on our land. Our memories dwell with a fond delight, upon the noble Pulaski; the generous the valourous DeKalb, whose life blood crimsoned the battle-field of Camden; and above all of Poland's gallant sons; upon the great and good Kosciusko. Him, of whom the poet has eloquently written:

"Hope for a season bade the world farewell:
And freedom shrieked as Kosciusko fell."

Nor is the youthful and generous Montgomery forgotten. He who despised toil, and laughed hunger and hardships to scorn; as he led his valorous continentals, through an unbroken wilderness, to the very mouths of the cannon, that burst on the walls of Quebec; and there sealed with his blood, his untiring devotion to freedom.

Have we not gloried in the bards, heroes, and statesmen of Ireland? Have we not mourned the early fate, of her gifted patriot Emmet? Does not her Fitzgerald, and her Theabold Wolfe Tone live, in unchanging freshness in our memories? Have we

not named her, the greenest isle of the ocean? How often have our sympathies been aroused at the story of her sufferings and oppressions? How often have our heart-strings thrilled, as we have heard trilled forth, from manly lips, as well as those of rosy beauty, the sweet, yet mournful song of "Erin go bragh." And has Germany been unremembered? Kant, Kotzebue, Goethe, Schiller; they too live, in the hearts of the American people. A portion of their wide-world fame, is ours, we have wept over the untimely fate, while we have read the soul stirring melodies, of him, of the "sword and the lyre." Their countrymen live with us. Connected as we are with them, our memories, often turn with them to the "Fatherland;" our reading, or our associations, the feelings that link us to the German emigrant, make us familiar with, and lead us to admire, the great names, that adorn the pages of German history,—we all feel these things—and memory with a lingering fondness, often revisits the shrine of their hallowed greatness; at the same time could the departed worthies, whom I have mentioned, be permitted to come among us now, and to lift up their voices, upon the floor of this convention; they would entreat us, by that holy regard which we should have for our country; by that love of freedom that knows no price; by those inestimable rights, of which the present generation are the inheritors, and which our fathers most dearly purchased; to guard more securely than we have hitherto done, the purity of the elective franchise.

Could such aliens as the illustrious names that I have referred to be permitted to go to the polls, there would be no danger that they would misuse or misapply the privileges granted to them. But there are thousands of their countrymen swarming to our shores who have not their knowledge, their pride of character, their consistency, their judgment, and who possibly might not have, in the short space of one year, that love for our country, that abiding interest in her institutions which would properly lead them to exercise this sacred right. Sir, we are asked to remember the services of LaFayette. What patriot can forget them? What American heart but throbs quicker at the mention of his name? My New England mother taught me first to revere my God, next to him, he who stands out so lifelike upon that canvas that hangs

above your head, and next, the patriotic, the gallant, the chivalrous Marquis de Lafayette. And wherever it may be my fortune to roam, whether it should be in the sunny clime of his own loved France, or upon the inhospitable soil of frozen Russia; whether to where the Oregon pours its world of waters "in one continuous sound," or where the simoon sweeps over the arid desert, his memory and the fame of his deeds will still be with me there. And let me tell you, sir, that when, in the days of my boyhood, I read the history of our Revolution, I hardly knew which I loved the best, and which I honored most, the soldier of my natal land, or the foreign soldier that battled by his side. The ardent feelings of my youth twined around the gallant Frenchman with a gratitude but little inferior to that which I felt for my own countrymen. Nor have the rougher scenes of maturer life obliterated my young affections and remembrances. The fire of gratitude still burns in my bosom, if not with so fierce a glow, yet with a steadier flame. And shall it be told to us who have experienced these feelings, that we are opposed to foreigners; that we have no philanthropy, no kindly feelings for such of them as come to our shores with the intention of becoming a part and a portion of our government? If they tell us so, they cannot read our hearts;—they cannot read what has been inscribed upon the tablets there, with a pen so enduring that the black ink of demagoguism cannot obliterate a single line. I repeat it again, sir, I am not opposed to foreigners coming among us. But I do oppose their voting, till they are qualified to give their votes in a judicious, understanding manner, according to their own knowledge and opinions, and not by the dictation of partisans and demagogues. Sir, the associations of our youth are a part of our being. They are interwoven with the best and finest feelings of our nature. We would not part with them if we could; we could not if we would. We all love our common country. We love, particularly love the place where our first infant breath was drawn. It is in vain, sir, for anyone to tell me that in one year he can forget all the associations and remembrances of his youth. Sir, can you forget (and you have been in this State some ten years) the brook by which in boyhood days you played—the old gray rock by which that streamlet flowed—the venerable oak, beneath whose rich, luxuri-

ant foliage you frolicked away so many happy hours—aye, and with those who, when the heart was in life's early freshness, ere its tenderest petals were uncrisped by the frosts of care, were your companions then? Can you, at your bidding, forget all these? Do they not live in your memory, as in imagination you go back to your own green hills? Time may have dimmed our love for all these, but still that love lies broad and deep within our bosoms, ready to gush up whenever the chords of memory are touched. So with the foreigner, when he first arrives upon our shores. Are not his thoughts away, in the home he has left, in his own loved cabin, in the land of his nativity? It cannot be otherwise. And if, when an alien comes here he begins to anathematize his country, and to speak of it in derogatory terms, I wish to have nothing to do with such a man. He is either a convict, who has fled from justice, he is either a felon, or his heart has never been attuned to the strongest and most imperishable feelings of our nature. There was one of Scotland's poets, sir, that expressed this sentiment more forcibly, more touchingly, than I can:

"Breathes there a man with soul so dead,
Who never to himself hath said,
This is my own, my native land;
Whose heart within him ne'er hath burned,
As home his footsteps he hath turned;
From wandering on a foreign strand:
If such there breathe, go mark him well,
For him no minstrel raptures swell."

"The wretch concentered all in self,
Living shall forfeit fair renown,
And doubly dying, shall go down
To the vile earth from whence he sprung,
Unwept, unhonored, and unsung."

This is the language of one of Scotia's noblest bards, and a sentiment more just and true "was never married to immortal verse." It is true in the abstract; it is true in fact. These feelings are linked with our very being, and the alien cannot, if he is worthy to become an American citizen, in a moment cast them

off. He who will, without a struggle, forget his native country, forget all his early a sociations, fling them aside as he would a worn-out garment, will never be of any advantage to his adopted country. In all ages, the traitor has been despised; yet if, while living he shall curse his natal land, he but causes himself to be scoffed at and scorned by the worthy and the good. And when he dies, truly he dies a double death, none to take note of his departure, "none so vile to do him reverence." Who would shed a tear over such a man's grave? Sir, the man who does not love his country, no matter what country may have given him birth, is not the man that should enlist either our feelings of philanthropy or generosity. Such a man is a stranger to those emotions and passions which we desire should be possessed by all whom we admit into our great common family. He would prove a traitor, at any time, for a small reward, to his adopted country. Such a man would be regardless of the fame or happiness of the wife of his bosom, of the children of his affection;—affection! he would not know the meaning of the word. Show me the man who can fling from him the associations of his early life, the endearing recollections of his childhood's home, and I will show you in return a man adequate to any villainous deed—a man on all occasions ripe "for treason, strategems, and spoils." Sir, it has been argued upon this floor, that every man that pays taxes should have a voice in making the laws by which he is governed; that when we tax the foreigner, and do not permit him to vote, as a necessary consequence, he becomes exceedingly dissatisfied. What do gentlemen require? Do they not ask for the alien what he would not ask for himself, especially if his own free will was not biased by petty demagogues and corrupt partisans. In our progress up to the present period of the existence of our government, we have so conducted it as to challenge the admiration, perhaps the envy of the world. We have acquired great fame abroad. Have foreigners helped to exalt that fame? Do they give us a prouder and brighter name? I must say that I was somewhat surprised to hear the gentleman from Massac assert, that the alien population who come among us, almost without exception, were men of character, wealth, knowledge, and respectability. Is the gentleman well informed upon the subject of which he has spoken? I

am inclined to think he is not, when he permits himself to make such statements as I have referred to. I am sorry that the gentleman is not better informed; that he does not better understand the true character and position of the people of whom he has spoken. These aliens emigrate to our shores; we receive them with open arms; we extend over them the aegis of our laws; we protect them against the tyranny of the dynasties of Europe; we make them equal upon their arrival, almost, with our citizens; and yet it is asked of us, what do you do for them? They pay taxes, perform road labor, and you do nothing for them in return. Sir, is it not something to feed the starving millions that have hastened, and are now hastening to our shores? Do we not enable them to become owners of our soil? Do we not put them in a way of procuring a comfortable subsistence, for themselves and their families? Do we not exempt them from militia trainings, and from sitting on juries until they become naturalized? And is it not right that they should render something in return for all this? Is it not right that they should help to make the roads on which they travel? Why, the arguments of the gentlemen who have addressed the committee, in opposition to this report, seems to be, that those aliens who come to us to better their condition, should be placed a head and shoulders above those, who have been so unfortunate, as to have been born on American soil! Should they not be required to pay something for the protection that government extends to them? They have access at all times to our courts, or the redress of any wrongs, of which they may have cause to complain. Should they not be required to pay a trifling tax, as a partial equivalent for these advantages? It is not after all, a tenth part of what their tithe would be at home. The trifling tax they would have to pay, so far from being a burthen on them, is absolutely nothing, in comparison to the advantages which they derive from the privilege of settling among us, and of being governed and protected by our laws.

It has been said, that we want our State filled up, and that therefore we should hold out every inducement in our power to increase immigration. Will the right class of aliens, such as we should be happy and proud to call citizens, after an apprenticeship of five years, be at all affected by the alteration we propose to

make? It they have determined to settle upon our rich soil, and to cultivate it, will the altering our constitution alter their determination? Not at all. But I honestly believe the well informed foreigner would like us all the better for it. An alien cannot sit upon a jury until he is naturalized. And yet there are members of this convention so inconsistent as to desire them to be permitted to help elect the judges of our courts. Sir, the alien can vote for all offices, from a president down to a constable. He cannot sit upon a jury, to try a case of a few dollars between his neighbors, till he is naturalized. Yet he can help to elect the judge that, in one sense, has our fortunes, our liberty, our lives at his disposal! What a splendid inconsistency.

But, sir, I will say a few words in relation to the increase of our foreign population. In 1812, there was but one alien in this country to every forty persons native born. How was it in 1846? There was one alien to every six persons born upon our soil. In 1846 there came to our ports, and by way of Canada, to this country, 500,000 emigrants. In the present year, the number will amount to at least 1,000,000! And if immigration continues to increase at this ratio, how long will it be before the alien population will exceed our own? Should we not be fearful of the consequences? Does not history furnish us with some useful examples? Let us look back to the once famous republic of Switzerland; let us reflect upon her fate when she threw open her gates for the admission of the people of other nations. From that moment may the story of her decline be dated. Soon the star of her greatness, which had so long culminated in northern Europe, begins to decline, until finally it disappeared beneath the horizon. Aye—the once proud mistress of the Adriatic—she whose ships went forth to every port—whose citizens were called the bankers of the world; whose merchants were princes; whose winged lion of St. Marks had flaunted to the breeze of every clime, fell, in consequence of the admission of a foreign population. Had Rome in the days of her imperial greatness been content with her own citizens, Attila would never have thundered at the gates of the "Eternal City."

We should ponder over these things, and if we are not too self-willed to derive instruction from the experience of past nations, I

think we cannot fail to be convinced that we have a little something to fear, should this immense amount of foreigners be permitted to vote without first swearing allegiance to our government.

It has been said by the gentleman from Massac that most of the emigrants that come here, are well prepared to immediately become good citizens; that they are well informed as to the nature of our government, and to the duties and privileges of its citizens; that they are wealthy, and that they are a desirable class of population. Sir, I will point him to a single State—to the State of Massachusetts. And I refer to that State because I am more familiar with the condition of her affairs than any other State excepting our own. What does the gentleman suppose that that State pays yearly for the support of her foreign pauper population;—she pays about *seventy thousand dollars*—being not more than five or ten thousand dollars less than the expense of her State government. *Is this a population of such a character as we would wish to have come here*? I believe not. I do not mean to be understood as asserting that they are all of this description. I am only endeavoring to show what may be the result of the admission of the multitudes who are fleeing from the oppression which they experience in the nations of Europe—who are fleeing from starvation and tyranny, and fastening themselves upon us. Well, sir, if the little State of Massachusetts, not more than one-tenth part as large in territorial extent as the State we live in, has to pay the sum of seventy thousand dollars for the support of foreign paupers, what must the State of New York pay?—and what must the State of Illinois eventually be obliged to pay for their support? Sir, the Atlantic States will not always retain these masses of foreign paupers. The time will come, when tired of supporting them, they will pay the expense of their transportation to our western prairies. They will fasten themselves upon us, and after one year's residence they are to be permitted to go to the polls and to cast their votes in competition with our own citizens, even while sucking from us the life blood of our bosoms. A million of emigrants in one year coming to this country? Why, sir, in five years, at this ratio, there will be an accession to the foreign population which are now within our borders, equal to one-fifth of the

whole present population of the United States. By that time there will, in all probability, be within this State a number of foreign voters equal to the native voters; and these men in one year are to be permitted (all uninformed and unprepared as they are to give their votes knowingly and discreetly), to go to the polls with citizens, and exercise the privilege of the elective franchise. Is this right? I ask you again, sir, are we not making this privilege too cheap? Are we not making it so cheap, that soon it will not be worth possessing? If you make no distinction as to voting, between him who was born upon a foreign soil, and him who was born upon American soil, will it any longer be considered a privilege to have been born an American? Sir, I was early taught to believe that he who was born an American had some privileges above the rest of mankind. I have been taught that ours was a free government, a government of equal rights; but it seems, sir, from what we have heard on the floor of this convention, that the right of the citizen is to be disregarded, trampled upon—that aliens are to be put over our heads, and that those of us who have been so unfortunate as to draw our first breath in this country, are to surrender up every right that we have fondly fancied we possessed, and quietly submit to the intrusions of a set of men imbued with foreign prejudices and foreign feelings.

Mr. Chairman: the gentleman from Massac asks the question, how it is possible that those who have taken a solemn oath to support the constitution of the United States, can vote in favor of the proposition that those aliens who shall be entitled to a vote at the time that the constitution, we are now framing, shall be adopted, shall be permitted to continue the exercise of the elective franchise, without being subjected to the same conditions that are imposed upon those foreigners who shall come to our State after the adoption of the new constitution? I will endeavor to answer that question. Sir, I had no part in framing the old constitution of this State; no man who is a member of this convention was a member of that body that framed our first constitution. The constitution went forth to the people; it was sanctioned by them; it thus became the organic law of the land; but rights were acquired under it; and I sincerely believe that those rights are inalienable and immutable, and I should be doing that which I

never mean to do, and which in my heart I believe to be wrong, if I should lend my aid to suppress rights now existing in framing a new organic law. For one, I shall never give my consent, or my sanction, to an *ex post facto* law. The ruined credit and blighted prosperity of our State, speaks in thunder tones to those members of a past legislature who attempted such an innovation. It is no part of our duty to encroach upon rights acquired, or to affect the privileges of foreigners who have come into this State with the expectation of enjoying such privileges as they should acquire under the law of the land. It would be morally as well as politically wrong to deprive them of rights obtained, and which they were entitled to enjoy under the organic law that existed when they came into the State. I have another objection to offer to the amendment now under discussion,—permitting foreigners to vote after a residence in this State of two years; but I approach this part of the subject with fear and trembling; and how can it be otherwise. The gentleman from Jefferson, a few days since, in the plentitude of his legal knowledge, said that there was no man in this convention could bring forward a single constitutional argument against any State permitting foreigners to vote whenever they pleased. This is high ground; but the alien champion has taken it, and how well he has maintained it, is not for me at this time to say. If he can measure men's minds, and comprehend their thoughts, even before they are uttered, truly he is possessed of most wonderful gifts.

It is, if we believe at all in the constitution of the United States, in my opinion, in direct collision with one of its articles for a State to permit an alien to vote until that alien should have become naturalized. The framers of our time-honored and revered constitution, were men of learning, patriotism, integrity. *They* had no sinister views to accomplish. Their deliberations were the deliberations of sturdy and inflexible patriots. The deliberations of men framing an organic law for a mighty nation. True, that nation was then, comparatively, but upon the threshhold of being. It was in one sense, but an infant in its swaddling clothes—and most dearly did that noble land love that infant. There were no mock caresses there. They acted, not only for the generation that then lived, but for the coming generations that

should float adown the tide of time. The spirit of demagogism was hushed in that body—or rather, it was not permitted to intrude itself among them. A high, a holy, a generous desire to make us a great and a good people—to dispense equal rights and equal justice, as well to him who should dwell by the frozen streams of the Kennebec and Penobscot, as to him who should dwell on the sunny banks of the St. Mary's, was uppermost in their patriot bosoms.

Among other articles incorporated in the constitution of the United States, we find one requiring an uniform system of naturalization in all the States of the Union. Why was this? Had it no import? Has it no meaning? If it was the intention of the framers of the constitution of the United States, to permit the various States to regulate the time when aliens should be permitted to vote, why should the provisions I have referred to been incorporated into the constitution? Did they intend an alien should vote before he became a citizen? Did they intend that soon after they had freed themselves from a foreign bondage, that an alien should come to our shores, and before he became a citizen exercise one of the dearest privileges of an American freeman? If that was their intention, why did they couch that provision in such ambiguous language? For it does appear to me, that if they intended to leave it to the States to regulate the qualifications, as to time, of their alien voters, that their language is exceedingly dark and very ambiguous; very different from the clear and lucid language, and evident intention, that is found in every other part of that sacred instrument. I can have but one opinion respecting the intention and the meaning of that clause of the constitution; and that is, that no alien in any of the States should be permitted to vote until he has become naturalized. If it were otherwise, would not a right so fraught with consequences, either for good or evil, as the elective franchise is, been further explained. Would there not a following clause have been inserted giving to the States the power to regulate the qualifications of their foreign voters? At the time of the formation of the constitution of the United States, the tide of emigration was setting with a strong and rapid current towards this our Western continent. The dynasties, the corruptions of the old world, were falling into disrepute. Many

there were who sought our western shores to become a part and a portion of our new experiment. Our Fathers did not wish nor desire that these soldiers of fortune should partake of, and immediately become connected with our government,—not at least until they have been put upon trial; and then when their term of apprenticeship should have expired; when they had demeaned themselves as good citizens; when they had sworn to renounce all allegiance to foreign potentates, princes and powers; to support the constitution of the United States—they were to be received into *Holy Brotherhood* of American freemen—enjoying all their rights, and partaking of all their privileges and immunities. Can anyone seriously suppose, when he looks back to the period of the formation of our constitution, when he makes himself familiar with the history of those times, that it is not a violation both of the spirit and the meaning of the constitution of the United States to permit aliens to vote until they have become naturalized? Ours is the only State in the Union, I believe, that permits it.

If this is so, are we not committing a wrong upon other States? We have the illustrious example of older States before us. Does it not become us, then, as one of the younger branches of the great confederacy, to pay at least a decent respect to long established precedents?

Mr. Chairman, the time may come when the vote of the State of Illinois will determine the election of President and Vice President of the United States, and the unnaturalized alien may determine the majority of this State. If such an event should ever happen, would not our sister States have great and good reasons to complain to us? Would they not say, and with justice, too, that the votes of the Union had been disregarded, and men owing no allegiance to our government had been permitted to elect two of the highest dignitaries of our land? If such a circumstance should ever transpire, would it not redound to the disadvantage of the alien? We all know that during a Presidential contest there are high hopes and wild excitement in every bosom. Men's passions are aroused, their energies awakened. The spirit of conquest is with them. If then the alien votes of Illinois should ever defeat any party in such a contest, I ask again, would it not be worse for the alien? Would not those who by their means have

been defeated in their wishes strive to put aliens upon a longer period of probation? And would not the chances be that the law would be altered; that ten, fifteen, or twenty years would be substituted in place of five?

Sir, ours is an elective government; and being an elective government, in whom resides, and to whom is given the elective franchise? Is it not vested in the people? Did it not originate in them? If this be true, the elective franchise is a sovereign power, and should not be trusted with, aye, it cannot be conferred upon any person but a citizen of the United States.

A republican government like ours, differs from the governments of the old world. There, in many of their governments the king frames their constitution and enacts their laws,—or at least they are the offspring of his recommendation. Ours is a self-constituted government—a political corporation, whose constitution was the work of the people, and their posterity the members of the corporation. After this corporation has gone into existence, can an alien become a member of it at his will? Must there not be two contracting parties? Have not the members of that corporation a voice in the matter? Can an alien join them, or force himself into their midst without some express agreement on their part to receive him? Is there any way by which an alien can engage his allegiance to this country, and be favorably received by it, except by naturalization? Then, should he be allowed to vote before he becomes a citizen? Never! sir; never! Reason, common sense, sound policy, the express will of the general government, all forbid it, imperatively forbid it. And I do say, sir, from the love I have for that class of our population—for I have many friends among them—that it is for their interest, for our interest, for the interest of us all, that they should be naturalized before they are permitted to enjoy the privileges of the elective franchise.

As I am aware, Mr. Chairman, that the committee is somewhat exhausted, I shall not pursue this argument as far as I originally intended. I shall, however briefly notice some of the remarks that fell from the lips of gentlemen upon this floor, and then leave the subject to be disposed of by the committee. There was a remark made by the gentleman from Cook, sir, that I cannot

pass over in silence. The gentleman asserted that those of us who were in favor of requiring the alien to become naturalized, before he should be entitled to exercise the privilege of the elective franchise, were acting more harshly towards the emigrant than George III did towards the American colonies. Sir, there is a part of my being that allows of no contradiction. I love my country; I love her laws; I love her institutions; and I am ready at all times, and upon all occasions, to peril the last drop of my heart's blood in defense of them. Sir, the heritage of freedom was mine; upon her holy altars my infancy was consecrated; and I shall cling to those altars so long as this heart continues to beat; as long as the purple current shall circulate through my veins. My eyes were first opened upon this free soil; and I trust in God that when they shall be closed forever they shall be closed upon the same broad domain. Sir, the remark of the gentleman from Cook was unkind. I am no tenant by sufferance. I need no teachings in the school of republicanism. If I ever should, I wish to exercise a freeman's privilege, and select a master for myself. And when I do make the selection, it shall be one whose early devotions were offered up at the shrine of freedom; not one in whose bosom more strongly glides the spirit of demagogism than that of American patriotism. Sir, in passing, I will allude to another remark of the gentleman from Cook. It was this: "ought you not to hang your heads for very shame, to advocate such doctrines as you do?" And this addressed to American citizens, and one of them my venerable friend from Tazewell, who has stood up here in his place, with his head sprinkled o'er with the frosts of many winters, and frankly and freely declared his sentiments; sentiments emanating from a heart purely American; from a heart responding to no tones but the tones of patriotism; and he is asked to hang his head in shame! And by whom? By a boy—a very stripling—who, according to his own acknowledgment, is but *thirteen!*—but thirteen, as far as his knowledge of the institutions of this country is concerned. *He* dictating to an honorable—respectable—venerable—AMERICAN citizen! !

Shall I, too, hang my head for very shame, for daring here, in the hall of this Convention, to utter my opinions regarding the countrymen of the gentleman from Cook, or even my own country-

men? No, sir. I fear him not. I fear neither his hordes or his clans;—nor did I ever fear; and, I trust in God, I never shall, that fiery spirit of demagogism that breathes in every sentiment he has uttered. American citizens to hang their heads for shame, for daring here, in an assembly of the people's representatives, to advocate what they honestly believe to be just and right! O, how exceedingly modest it was in the young man! ! ! Sir, had I been placed in his situation, I would sooner have burned my right arm off to the very shoulder, than to have uttered such a sentiment in the presence of a free people. Nor did my worthy friend from Tazewell escape scot-free from other gentlemen, in this debate. The little state of Rhode Island seems to have been the target set up to be shot at, by the petty marksmen of the opposition. And my venerable friend from Tazewell appears to have been the bull's-eye at which they have aimed their shafts of vituperation. But they have all fallen harmless at his feet. Sir, allow me to allude, for a moment, to the attack made upon that little state, and her own "bald eagle," in the halls of Congress. There was a time when the bird-hawks of that body made a simultaneous dash, at the old "bald eagle" of Rhode Island. The marks of that eagle's talons, and the impression made by the stroke of his wings, they will carry with them to their graves. Cambreleng, and Wickliffe, and Daniel, will remember, to the latest period of their lives, the withering satire with which their ungenerous attack was repulsed. Mr. Chairman, there are miniature Cambrelengs, and Wickliffes and Daniels in this Convention. And when, on the other day, an attack was made upon Rhode Island, and upon my venerable friend from Tazewell, I could not help wishing that Tristram Burgess could have been here, to defend his little state. I know my worthy friend from Tazewell has all the spirit, and at least a portion of the power of *his ancient friend*, to do it;—but his hands are tied; he is bound by the ligaments of our holy religion. He will not

> —stoop, from his pride of place,
> To hawk at mousing owls.

There is another remark of the gentleman from Cook, that deserves a passing notice. It is this: "The natural tendency of the Americans is towards aristocracy, and they need an infusion

of foreign blood in their veins to preserve its purity." This is a strange and a bold doctrine; and yet he has asserted it upon the authority of the sage of Lindenwold! I will not undertake to deny that Mr. Van Buren has uttered such a sentiment; I can only say that I never heard of it before. And if Mr. Van Buren has used such language, he has certainly departed from that usual *shrewdness* which he has always had the credit of possessing.

We, the descendants of those men who passed through the storms of the Revolution;—who have, ourselves, experienced darkness and shadows, as well as somewhat of sunshine;—*we* unable to maintain the purity of our institutions? *We* obliged to procure assistance from the broken systems of Europe, and to imbibe a portion of the spirit of those who cringe, and fawn, about the thrones of the Old Continent, to bolster up the tottering fabric of our Government! What man, who has always been a republican, can submit, quietly and tamely, to be told, that, in order to perpetuate our institutions, it is necessary an infusion of foreign blood should be thrown into our veins?—that our blood should be mingled with that which circulates in the veins of a corrupt nobility, or their born and willing serfs, in order that our free government may be sustained? What, is there not purity sufficient in the blood that flows in *American* veins to preserve, untarnished, our own free constitution?—to protect it from the encroachments of American aristocracy? Sir, I do not say that the expression the gentleman from Cook attributes to Mr. Van Buren is a forgery; I only say that I never heard of it before. Let it pass for its true value. There are many other remarks of the gentleman from Cook that I should be glad to correct, but I have no time to do so now. I will pass to the gentleman from Brown. A day or two since, he gave us a long historical dissertation. I was somewhat amused, and instructed also, with the legendary lore which he so profusely scattered among us. Certainly, he is entitled to great credit for his historical researches, and his accurate information. All must admit that he has made discoveries that no one else ever dreamed of. When I heard the gentleman declare that the feudal system originated among the Romans, I confess I was somewhat startled at the profundity of his knowledge, and his penetrating shrewdness. I would like, however, to

be informed by the gentleman under which of the Roman Emperors it was that the feudal system was instituted; or, if it might not have been instituted by him who was called "the noblest Roman of them all?" There is another observation of the gentleman from Brown, that claims a momentary notice. He said, in commenting upon the acute and astute remarks of the gentleman from Cook, that he (the gentleman from Cook) had enjoyed higher privileges than those that belong to a native American citizen, for the reason that he had been born in another clime, and upon another soil. If the gentleman from Brown considered this a higher privilege, he is welcome to enjoy it.

A plain republican soil, and the sun that shines and the stars that glisten upon that soil, are good enough for me, sir. It was upon a republican soil that I was born. I ask no purer earth to cover my bosom, when the spirit shall have departed from my body. A higher birth! Is there a higher heritage that God's sun ever shone upon, than that of an American freeman? Would we barter it for the privilege of being born under the dominion of principalities and thrones? No, sir; the American whose bosom is imbued with the spirit of patriotism—who loves his country as he should love it—asks no prouder heritage, requires no nobler privilege, than to live and die in the land of his birth. If the fancy and imagination of the gentleman from Brown still lingers around the crumbling dynasties of the old world, let him go there—God speed him! We can spare him.

Sir, I have a word of reply to the argument of the other gentleman from Cook;—I mean the *gentleman* from Cook. He asserted that two-thirds of our standing army was composed of foreigners. In time of peace, it may be so; and I think this fact, sir, a high compliment to American freemen. My countrymen are unwilling to enter the regular army in time of peace; they have higher and nobler avocations to perform;—those, more consonant with the spirit and genius of an enlightened patriotism. They are engaged in developing the resources of our common country; in agricultural, mercantile, and manufacturing transactions. They are better employed than they would be in shouldering a musket and marching through our towns and cities, to the music of the fife and drum. In time of peace, to the enterprising citizen, the regular army has

no charms, or inducements; an active, striving, useful life, is a part of his being. Not so with many of the aliens. They come among us without any particular fixed principles; they have no chart to guide or to govern them. In the land of their birth, the discipline of the army, was perchance their familiar employment, accustomed to its idleness, they soon seek, after their arrival, the privilege of again partaking of their favorite indulgence; and if the trumpet of war should call them to the field, they fight, but they fight mechanically, unsupported by those feelings that influence the citizens that battle for home and for freedom. They may fight, but they fight as the men of Hesse Cassel did, during our revolution, for pay, simply for their eight dollars per month. It is not so with our volunteer aliens, they stand in our ranks, shoulder to shoulder, with our citizens, and they seek the war, not for war's sake, but for the love they bear their adopted country. Sir, were they all foreigners that fought the battles of Palo Alto, and Resaca de la Palma? Those battles were won by our regular army, and the most of those men who battled there were our own countrymen.

The gentleman also says, that the flag of our merchant ships, and our navy, is borne to every clime, by ships manned by foreigners. Sir, has it come to this, are we so weak, so pitiful, so contemptible, that we have to procure aliens to bear the stars and stripes, aye, and sustain their honor too, in foreign ports? Let him turn his vision to the Pacific ocean, methinks, he would see, if he should so do, some few scattering ships, riding upon her stormy billows. Who mans those ships? Are their crews composed of foreigners? Or rather are they not composed of such men as manned the frigate Constitution during the last war; ever ready to fight as long as a single plank of the ship that bears them remains above water? Sir, did aliens carry our flag abroad during the last war with England; or was it done by the masters and sailors of our whaling and coasting ships? These were the men who, when the tocsin of war sounded in our ears, were selected to sustain the honor, and the glory of our navy. These were the men who manned the decks of the glorious old Constitution, and with their colors nailed to the mast-head, roamed over every ocean. With the stars and the stripes floating over them,

they everywhere sought the British Cruisers; and in the smoke of battle, while the dead were around them, while the shrieks of the wounded were ringing in their ears, they thought but of their country, their noble ship, and the proud flag that was flying over them. It was to men like these, the destinies of that gallant ship was entrusted. Before they would have surrendered to their foe, they would have gone down, frigate, crew, flag and all; to those depths that know no sounding. Such are the men, sir, that have given character, and tone, and immortality to our navy. And, sir, it will be to men such as these, born upon our own soil; from the cradle familiar with the ocean, to whom her honor, and fame, will be entrusted, if again Britannia should strive to rule the ocean.

The gentleman from Jo Daviess told us yesterday, that when a charge was to be made upon an enemy, foreigners were the men selected by our officers to make it? Ah! it pains me much to hear an enlightened gentleman, in a deliberative assembly of a country claiming to be the birth-place of freedom, promulgating to the world, that our success in arms, depends, not upon our own bravery, but upon the skill and courage of men of other lands.

Perhaps the sentiment announced by the gentleman from Jo Daviess, may go abroad. It may be copied into the London and Paris Journals, that the late Secretary of the State of Illinois, did admit in his place, upon the floor of this convention, that when a daring charge was to be made upon an enemy, we did not depend upon ourselves, but depended upon foreigners to accomplish it. A pretty commentary this would be upon our native courage. I will ask the gentleman, if his conscience will permit him, thus to desecrate the memory of those of our countrymen, who have achieved a victory, whenever an enemy has been met, upon the plains [of] Mexico? If he would desecrate the memories of those gallant spirits, who have poured out their life blood in fighting the battles of their country? If he would desecrate the memory of the gallant Hardin, whose obsequies a few short days ago we witnessed? I think I could name some, sir, who at Buena Vista, charged the enemy tolerably well, although they were not foreigners. Sir, did foreigners fight the battle of Bunker's Hill? Was it not fought by men who left their ploughs standing in their own native fields, and rushed with true American courage to the

desperate battle? Who, sir, strewed the road from Concord to Boston, with the best blood of English chivalry? They were men, high-minded men, natives of the land for whom they fought, "who knew their rights, and knowing dared maintain them." Who charged the Hessians at Bennington? Were they foreigners; or were they the sturdy mountaineers of Vermont and New Hampshire, who with their own stalwart arms, dealt death at every blow? Sir, it is in vain for gentlemen to talk to us, of the superiority of foreign courage, over that of our own. So to talk, is unworthy the character of a high-minded and intelligent statesman.

Sir, it has been told to us, during this debate, that Witherspoone, Morris, Braxton, and others foreigners, supported the Declaration of our Independence; that great charter of our liberties. True, they did so, and I ask you, sir, if they did not when they signed that instrument, pledge their lives, their fortunes, and their sacred honor, to its support; could there be a higher degree of naturalization than this? Sir, was it not one of those kinds of naturalization that immediately emanates from the throne of Deity itself? The highest that is given to sublunary mortals. Sir, there have been wise and patriotic foreigners, who have made this country their own by adoption; and there will always be great and good men of other nations, settling among us. But let us remember that we are now framing an organic law, that may last for centuries. And that while there may be many good, some bad men will come to our country. Let us require of them to linger a while upon our shores before they are permitted to partake of the privileges of the elective franchise.

One word more in conclusion, Mr. Chairman, and I will cease to trouble the committee. It was said by the gentleman from Brown, that it was by chance we were born here. That the same chance might have directed our birth to have taken place in Africa. It is evident to me that I could not very well have been born a negro, or if I had been, I think I could have said, with a great degree of propriety, that it would have been a hundred dollars in my pocket, if I never had been born.

Mr. Chairman, I am no believer in the doctrine of chance. Was it by chance, sir, that our Puritan Fathers left the green hillsides of their native home, the chalky cliffs of old Albion, to wor-

ship their God according to the dictates of their own consciences, in the morasses, and amid the pestilential fogs of Holland? Was it by chance they embarked at Delfthousen; the forlorn hope of a mighty world, cabined and confined in two vessels? Was it by chance they wended their cheerless way through the storms and winds of the ocean, to a wild and unbroken wilderness? In that wilderness to encounter the snow wreaths, and unpitying blasts of winter, and the scorching sun and remorseless pestilence of summer; the tomahawk, and the scalping knife of the red savage; continued hardship, and grim and unrelenting famine? Was it by chance that from a little band of about one hundred Puritans sprung up a population of three millions of souls; ready to declare themselves free and independent? Was it by chance that when they found oppression and kingly tyranny following them to their new home, that they were ready to resist it even to the death? Was it by chance they endured the horrors of war through a period of deep and dark distress; and eventually came out from the struggle, bearing aloft the magnificent charter of our freedom, wet with the blood of our sires; that charter won by stern courage at the cannon's mouth, by the bayonet's point? Was it by chance that from three millions, we now number twenty millions? No, no, no. It was by the fiat of the eternal God. By that fiat of Him who unrolled yonder blue scroll, and wrote upon its high frontispiece, the legible gleamings of immortality. By that fiat of Him who paints the bow of promise amid banners of storms; and unchains the lightnings, that linger, and lurk, and play, and flash, amid the gloom. It was the fiat of Him who gave to the Leviathan his home, deep in the unsounded bosom of the ocean; and hangs out the stars that deck the dewy brow of night. It was the fiat of Him who gave to the Eagle his eyrie, high up amid the mountain storm; and to the dove, her tranquil home, in the woods, that echo to the minstrelsy of her moans.]

Mr. WHITESIDE rose, not to detain the committee by a speech, but as he had heard insinuations thrown out during the debate against the intelligence of the framers of our present constitution he desired to repel those insinuations. They were men of good, sense and intelligence. Our state was settled by

men who came here under the celebrated George Rogers Clark, they it was who drove off the red men and cleared our woods of the wild beast. The state was filled by men born in all countries. That was the time when every man depended for his life on his neighbor; and they asked not where he was born. In that hour of danger the foreign settler was found to turn out as readily as any other. A warm feeling for them grew up from that time, and the same feeling towards them was felt by the framers of the constitution, and the insinuation that those fathers of the state knew not the difference between "citizen" and "inhabitant" is false. I had a conversation with a gentleman from Kentucky, who was the one who drew up that constitution, and when it was first reported it contained "citizen" in it, but the old men of Illinois struck it out. They did understand the meaning of the word "inhabitant." He believed the people of his county were in favor of allowing aliens to vote, provided they at the earliest moment become citizens. With that view he had drawn up the amendment that had been accepted by the member from St. Clair, as a modification of his own. If any one after being here five years will refuse to become a citizen, he was unworthy of being a citizen. The great majority of them desire to become citizens and do so, and are worthy of the privilege. That a bad man could be occasionally found was not strange, and if the same rule were applied and no Americans allowed to vote except those who were worthy of the privilege, many would be excluded. He run against such a one the other day, who said he hoped our armies in Mexico might be defeated, and that a curse would fall upon our nation. He hoped the amendment would be adopted.

And the committee divided on the amendment and it was rejected—yeas 61, nays 76.

Mr. MASON moved to amend so as to require an oath of allegiance &c., from those here now; which was rejected.

Messrs. KNOX, DAWSON and MASON offered amendments proposing additional restrictions, and they were all rejected.

SEC. 2. All elections shall be by ballot.

Mr. BALLINGALL moved to add to the section—"provided that the Legislature may change at any time the mode of voting to *viva voce*."

Mr. KITCHELL opposed the amendment.

And the amendment was rejected.

Mr. WHITESIDE moved to strike out the section. And the motion was rejected.

Sections 3, 4, 5, 6, 7 and 8 were passed without amendment.

Mr. Z. CASEY moved the committee rise and report the article to the Convention without amendment. It is as follows:

SEC. 1. In all elections every white male citizen, above the age of twenty-one years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote except in the district or county in which he shall actually reside at the time of such election.

Mr. SCATES moved to lay the article on the table, to be taken up at a future time; which motion was decided in the negative.

The question recurring on the adoption of the article—

Mr. ARMSTRONG moved it be voted on section by section; which was agreed to.

Mr. ARMSTRONG moved to amend the first section by inserting, &c. (The same amendment as proposed by Mr. ROMAN, in committee, with the term changed to two years instead of one.)

Mr. KITCHELL moved that the section and amendment be passed over informally for the present. Rejected.

Mr. BOSBYSHELL moved the Convention adjourn. Decided in the negative.

Mr. SCATES moved a call of the Convention.

Messrs. SERVANT, GEDDES, TURNBULL and others objected. Upon a division, a call was ordered—yeas 70, nays 40.

The call was made, and all present except 15 members.

The question being on the amendment of Mr. ARMSTRONG, the yeas and nays were demanded and taken—yeas 66, nays 77.

The yeas and nays were as follows:

YEAS—Allen, Anderson, Archer, Armstrong, Atherton, Blair,

Blakely, Ballingall, Brockman, Bosbyshell, Brown, Bunsen, Butler, Crain, Caldwell, Campbell of Jo Daviess, Campbell of McDonough, Carter, F. S. Casey, Zadoc Casey, Colby, Cross of Woodford, Cloud, Churchill, Davis of Massac, Dement, Dunlap, Farwell, Green of Clay, Gregg, Hatch, Hayes, Heacock, Henderson, Hill, Hoes, Hogue, Hunsaker, James, Jenkins, Jones, Kreider, Kinney of St. Clair, Kitchell, Lasater, Lenley, McClure, Manly, Markley, Moffett, Morris, Nichols, Oliver, Pace, Robbins, Roman, Rountree, Scates, Stadden, Sherman, Smith of Gallatin, Thompson, Tutt, Vernor, Witt, Whiteside.—66.

NAYS—Adams, Canady, Choate, Constable, Cross of Winnebago, Church, Dale, Davis of Montgomery, Davis of McLean, Dawson, Deitz, Dummer, Dunn, Dunsmore, Edwards of Madison, Edwards of Sangamon, Eccles, Evey, Frick, Graham, Geddes, Green of Jo Daviess, Green of Tazewell, Grimshaw, Harding, Harper, Harvey, Hay, Holmes, Hurlbut, Jackson, Judd, Knapp of Jersey, Knapp of Scott, Kenner, Kinney of Bureau, Knowlton, Knox, Lander, Lemon, Lockwood, Logan, McCallen, Marshall of Coles, Marshall of Mason, Mason, Matheny, Mieure, Miller, Minshall, Northcott, Palmer of Marshall, Pratt, Peters, Pinckney, Rives, Robinson, Sharpe, Swan, Spencer, Servant, Sibley, Sim, Simpson, Singleton, Smith of Macon, Thomas, Thornton, Turnbull, Turner, Tuttle, Vance, Webber, West, Williams, Whitney, Woodson, Worcester.—78.

Absent—Akin, Bond, Edmonson, Harlan, Hawley, Huston, Laughlin, Loudon, McCully, McHatton, Moore, Norton, Palmer of Macoupin, Powers, Shields, Shumway, Trower and Wead.

Mr. DALE, when called upon to vote, said that his own views and sentiments were in favor of the amendment, but the people of his county thought differently, and he regretted that he was compelled to vote in the negative.

Mr. BOSBYSHELL offered the same amendment, with the term changed to three years. And the vote being taken by yeas and nays, resulted—yeas 67, nays 76, as follows:

YEAS—Allen, Anderson, Archer, Armstrong, Atherton, Blair, Blakely, Ballingall, Brockman, Bosbyshell, Brown, Bunsen, Butler, Crain, Caldwell, Campbell of Jo Daviess, Campbell of McDonough, Carter, F. S. Casey, Zadoc Casey, Colby, Cross of

Woodford, Cloud, Churchill, Dale, Davis of Massac, Dement, Dunlap, Farwell, Green of Clay, Gregg, Hatch, Hayes, Heacock, Henderson, Hill, Hoes, Hogue, Hunsaker, James, Jenkins, Jones, Kreider, Kinney of St. Clair, Kitchell, Lasater, Lenley, McClure, Manly, Markley, Moffett, Morris, Nichols, Oliver, Pace, Robbins, Roman, Rountree, Scates, Stadden, Sherman, Smith of Gallatin, Thompson, Tutt, Vernor, Witt, Whiteside.—67.

NAYS—Adams, Canady, Choate, Constable, Cross of Winnebago, Church, Davis of Bond, Davis of McLean, Dawson, Deitz, Dummer, Dunn, Dunsmore, Edwards of Madison, Edwards of Sangamon, Eccles, Evey, Frick, Graham, Geddes, Green of Jo Daviess, Green of Tazewell, Grimshaw, Harding, Harper, Harvey, Hay, Holmes, Hurlbut, Jackson, Judd, Knapp of Jersey, Knapp of Scott, Kenner, Kinney of Bureau, Knowlton, Knox, Lander, Lemon, Lockwood, Logan, McCallen, Marshall of Coles, Marshall of Mason, Mason, Matheny, Mieure, Miller, Minshall, Northcott, Palmer of Marshall, Pratt, Pinckney, Rives, Robinson, Sharpe, Swan, Spencer, Servant, Sibley, Sim, Simpson, Singleton, Smith of Macon, Thomas, Thornton, Turnbull, Turner, Tuttle, Vance, Webber, West, Williams, Whitney, Woodson, Worcester—76.

Mr. CONSTABLE moved the previous question; which was seconded.

The question being taken on the adoption of the section, it was decided in the affirmative by yeas 82, nays 60.

The second section was then taken up, and

Mr. CONSTABLE moved the previous question.

Mr. ROBBINS opposed the previous question, as it cut off all amendments, and excluded members from presenting the views of their constituents, and having an expression of opinion upon them.

Messrs. BALLINGALL and KITCHELL opposed the previous question on similar grounds.

And the Convention refused to second the demand.

Mr. ROBBINS offered an amendment—strike out all after "elections," and insert, "until the legislature shall otherwise provide, shall be *viva voce*."

Mr. CAMPBELL of Jo Daviess opposed the amendment. The

time would come when Illinois would be a manufacturing state, and he was in favor of the ballot system in order that every man might vote his sentiments, uncontrolled by any moneyed or employer's interest, as was the case at the east.

The question being taken, the amendment was lost.

Mr. DEMENT moved to add to the section, "until otherwise provided by law." Rejected—yeas 63, nays 72.

The question on the adoption of the section was taken by yeas and nays, and resulted yeas 96, nays 40. The 3d, 4th, 5th, 6th, and 7th sections were adopted. The 8th section was read.

Mr. ADAMS moved to insert before "Monday," the words "the first Tuesday after the first," in order that our elections might all be held on one day—the day fixed for the presidential elections.

A discussion all over the house ensued upon the point whether that *was* the day fixed for holding the presidential election or not, during which two motions to adjourn were made and decided in the negative.

Leave was granted to the special committee of 27, on the judiciary, to meet during the session of the Convention.

And without taking a vote on the amendment, the Convention adjourned till 3 P. M.

AFTERNOON

The question pending was on Mr. ADAMS' amendment, and it was carried.

Mr. HARVEY moved to strike out "biennally;" which motion was rejected.

Mr. THOMAS moved to add to the section, "until otherwise provided for by law." And the vote being taken resulted—yeas 67, nays 15. No quorum voting.

A call of the Convention was ordered and made, and 110 members answered to their names. The question was again taken and no quorum voted. A third vote was taken and no quorum voted.

Mr. Z. CASEY called for the yeas and nays, and they were ordered and taken. And the amendment was adopted—yeas 72, nays 50.

And the section, as amended, was adopted.

Mr. WOODSON moved the article be referred to the committee of Revision, &c. Carried.

Mr. THOMAS moved the Convention resolve itself into committee of the whole and take up the report of the committee on the Militia; which was agreed to, and Mr. THOMAS was called to the chair.

The report of the majority of the committee (the 5th article of the present constitution, without any amendment) was taken up.

Sections one, two and three were agreed to, without amendment.

Sec. 4. Brigadier and major generals shall be elected by the officers of the brigades and divisions, respectively.

Mr. McCALLEN moved to strike out "officers of" and insert "persons composing."

Mr. CAMPBELL of McDonough moved to insert—to meet the views of his friend from Hardin—after the proposed amendment, the words "except foreigners;" and the motion was rejected.

The question being taken on the first amendment, it was also rejected.

Sec. 5. All militia officers shall be commissioned by the Governor, and may hold their commissions for such time as the Legislature may provide.

Mr. KNAPP of Jersey moved to strike out the [proposed] section, and insert: "all militia officers shall be commissioned by the Governor, and may hold their commissions for such time as the Legislature may provide."

And the same was adopted.

Mr. McCALLEN offered, as an additional section, the following: "All persons who shall enroll themselves into volunteer companies, uniform, equip, and hold themselves in readiness for service, shall be exempt from serving on juries, and paying a capitation tax for road purposes."

Mr. CAMPBELL of McDonough moved to insert after "all persons," "except foreigners." Lost.

Mr. KITCHELL moved to strike out the exemption from jury service. Carried.

Mr. CAMPBELL of McDonough moved to strike out the

exemption from the capitation tax for road purposes; and the same was rejected.

The question was taken on the proposed section, and it was rejected.

The committee rose and reported the article, with the amendment, to the Convention. And the question being taken on concurring with the amendment, it was decided in the affirmative.

Mr. HARDING moved to add to the article, "all persons shall be exempt from military duty in time of peace, except to repel invasion and suppress insurrection, by paying a tax of fifty cents per annum, for the use of volunteer companies, to be distributed according to law."

Messrs. ARMSTRONG, BROCKMAN and SINGLETON opposed the amendment, and Messrs. MCCALLEN and GEDDES supported it and the question being taken thereon, the amendment was rejected.

The article was then adopted as a part of the new constitution; and it was referred to the committee on Revision, &c.

And then, on motion, the Convention adjourned.

XLII. FRIDAY, JULY 30, 1847

Mr. MARSHALL of Mason presented a petition, praying the appointment of a state superintendent of schools; which was referred to the committee on Education.

Mr. Z. CASEY moved the Convention resolve itself into committee of the whole on the report of the committee on Revenue; which motion was concurred in, and Mr. EDWARDS of Sangamon in the Chair.

SEC. 1. The Legislature shall cause to be collected from all free white male inhabitants of this state, over the age of twenty-one years and under the age of sixty years, a capitation tax of not less than fifty cents nor more than one dollar each, to be applied yearly to the payment of the interest due and to become due from this state to the school, college, and seminary funds; and if in any year there shall remain any balance of said tax, after the payment of interest due for that year, such balance shall be paid into the state treasury.

Mr. ARCHER moved to strike out "shall," in the first line, and insert "may." Such was, said Mr. A., the instructions to the committee.

Mr. GREGG said, he sincerely hoped the amendment would prevail, as he believed it would be both impolitic and unjust to provide for a permanent poll tax in the constitution. There was no objection, in his opinion, to leaving the matter in the hands of the General Assembly, for the people would then have the control over it. Their representatives might provide in a single instance for such a tax, but public opinion would thereafter check all such legislation.

A capitation tax was unjust to two classes in the community—to the laborers of the State—those who earned their daily bread by the sweat of their brows—and to the farmers of small means, who were just commencing their improvements, and needed every thing they could earn to pay taxes upon their little property, and support their families.

Property was the only fit and appropriate basis of taxation—those who had the wealth of the country ought to pay its pecuniary burdens. It was not true that the poorer classes paid no equivalent for the protection they enjoyed. Did they not sit upon juries, work upon roads, and do service in the militia? Did they not, upon every occasion of danger, rally in defence of the country, fight our battles, and freely shed their blood in sustaining the national honor? Was not the property of the country, in times of war or domestic disturbance, protected by the strong arms of the poorer classes of [the] community?

A provision for a permanent poll tax would create an element of opposition to the new constitution which could not well be overcome. The people would readily appreciate its gross injustice, and spurn the instrument that gave it sanction.

Entertaining these views, he felt it his duty to oppose strenuously every effort to provide for the imposition of a poll tax. In these times of boasted "progression" there was little propriety in taking up the discarded maxims of aristocracy and engrafting them upon our system. There was no occasion for attempting to fasten upon the people an unjust, oppressive, anti-republican burden. In this light would a poll tax be regarded, and justly regarded. Public interest, public policy, and public justice were alike opposed to it. Immigration to our state should be encouraged, and not repelled.—The effect of a poll tax would be to drive away all those who were able to appreciate unnecessary and unwise exactions. After further remarks sustaining the same view, Mr. G. concluded by asking the Convention to pause before they adopted a policy which the people would repudiate, and which they ought to repudiate.

Mr. WHITNEY concurred with the views expressed by the gentleman from Cook. He would vote for the amendment.

Mr. PETERS was opposed to the amendment. He was in favor of a poll tax upon grounds of justice and equal taxation. Persons were as proper a subject of taxation as property, and should be made to contribute towards the expenses of the government. We were all protected—the landholder and the non landholder—with equal care by the laws and the government, and should pay our share towards its support.

Mr. TURNBULL said, this matter had been discussed so long and so thoroughly when last before the Convention, that he did not think we should enter again on the subject. He suggested that the amendment be withdrawn for the present, and offered when the subject was reported back to the Convention.

Mr. CALDWELL differed from the gentleman last up. He hoped discussion would be had and had now upon the subject. When the resolution of instructions to the committee passed this Convention, he understood it as containing a different principle from that contained in this section reported by the committee. The resolution left with the Legislature a discretionary power to pass such a law; this report makes it obligatory upon them, and it also directs that the money shall be applied to a special and particular object. He hoped discussion would open, that debate would be allowed, and that members would now proceed with a consideration of the subject. For one, he had voted for the resolution of instruction, but he would vote against the section as reported, for the latter makes it obligatory upon the Legislature to pass this law, and applies the tax to be raised to a specific purpose, which the people of this state will never allow.

Mr. SHERMAN said, he was in favor of the amendment, because it would leave the question of a poll tax with the people, to be adopted by their representatives. He feared that we were inserting too many "shalls" in the constitution. The people might at some time be willing to have a poll tax, but not at present. He was for leaving with the Legislature the power to pass the law or to repeal it, to meet the wishes of the people.

Mr. THOMAS was in favor of the poll tax, and opposed to the amendment. He desired the section to remain as it was. By it the money raised was to be applied to the payment of our school debt, which was as much a public debt as any other. It was also intended as a substitute for the road labor, which, in many parts of the state, was not as necessary now as heretofore. Every state in the Union had a poll tax except one, and that was Illinois, and its justice was admitted by all. Persons, he considered, should be taxed as well as property, for they were equally protected by the laws and government.

Mr. ADAMS was in favor of a poll tax, but opposed to any

permanent provision in the constitution. He would vote for the amendment.

Mr. CHURCHILL was opposed to a capitation tax. It was unjust. We, by it, professedly propose to make taxation equal. By it we did not arrive at that effect. We oppressed the lower classes and relieved the upper ranks—if we struck a line at $5, we oppress the lower classes, but relieve the higher. Most of our taxes was collected from the laboring community, and he opposed any additional burden upon them.

Mr. DAVIS of Montgomery said, that he was in favor of a poll tax, but would vote for the amendment. He said the section would, when amended, read as the committee had been instructed to report, by the following resolution passed on the 17th of June:

"*Resolved*, That the committee on Revenue be, and they are hereby, instructed to report an amendment to the constitution so as to authorize the Legislature to levy a capitation tax, not to exceed one dollar, on all free white male inhabitants over the age of twenty-one years, when they shall deem it necessary."

Mr. MINSHALL was in favor of giving the Legislature power to levy a poll tax, but opposed to any imperative provision. He had voted for the resolution of instruction on this ground. No state had an imperative provision that it shall be levied. Some states said that the legislature may levy such a tax; others connected it with the right of suffrage, and in three states it was repudiated as unjust. He would vote for the amendment.

Mr. BUTLER said, that at a first view of the question he was in favor of the proposition, but upon reflection, had come to the conclusion that a poll tax was unjust, and oppressive upon the laboring classes. Therefore, he should oppose the section, and oppose giving the Legislature any such power. He would vote to strike the section out.

Mr. PALMER of Marshall advocated the poll tax, as a proper and just tax. There were many in the state who had no property, lived as well as all others, and were protected in their persons by our government, yet paid nothing towards paying the expenses. Suppose the state had no property, would not there be a manifest necessity in taxing persons? This is the ground he took before his people, and they elected him over his competitor, who took a

different view of the question. He would like the tax to be fixed at one dollar, and that the section authorizing it should be submitted to the people for a vote separately from the constitution itself.

Mr. JONES said, the word "shall" was in both the majority and minority reports. He did not know whether the resolution was before them or not when the section was written; he was satisfied that the committee intended to obey the instruction. He had voted against the resolution, because he was opposed to a poll tax at all. He would vote for the motion to strike out.

Mr. KITCHELL was in favor of the poll tax as just, liberal and equitable towards the poorer part of the community. The report intended to exempt from taxation the wearing apparel and the household and kitchen furniture of every one in the state, and certainly there could be no one who would object to paying the small sum of fifty cents in a year towards defraying the expenses of the state. He hoped the amendment would not pass, for the Legislature would be changing it every year. First a poll tax and then its repeal, and in this way the revenue of the state would always be uncertain and the people could not make provision to meet the taxes with any degree of certainty.

Mr. ALLEN thought a poll tax unjust and improper. The gentleman last up did not desire to give the Legislature power to fix the tax; but he is willing to give them the power to dispose of the funds raised by it. Where is the difference? Why not leave the question then with the representatives of the people whom they can instruct upon this subject. He lived in a county where this subject was discussed, and the people of that section are opposed to it. He agreed with the remark that there were too many "shalls" in the constitution. Yesterday, gentlemen when they had a small majority refused to give to the Legislature power, in case the ballot system did not suit the people to change it to the old mode of voting, to which we have been so long accustomed. We all come here to present our views and represent our constituents, and at the same time we must of necessity compromise those views in order to obtain the support of the minority. There would be scarcely any proposition that would be passed here, that would not be opposed by a respectable minority, and we

should pass nothing that would excite in the breasts of members, an opposition to our constitution. He was opposed to a poll tax on principle, and if it should be fixed as a permanent thing in the constitution he would have to oppose the constitution. He mentioned this not as a threat, but as a plain undeniable fact, which it would be well to consider on this subject and upon others.

Mr. WEST said, this subject formed no part of the canvass in his county, but since he had been here, he had received an expression of the sentiment of his constituents, and that was in favor of the poll tax as an experiment. But only to be levied so long as the people desired it. He was opposed to the insertion in the constitution of any imperative provision. He would vote against any clause that would endanger the adoption of the constitution. He believed the people of the state of Illino[is] to be in favor of the poll tax, yet he was candidly of opinion that in ten years they would be opposed to it. He would vote to strike out "shall," and insert "may." He was also opposed to the section providing for the appropriation of the money. He wished that to be left to the Legislature.

Mr. McCALLEN was opposed to the section, and in favor of the amendment. He would also vote for striking out all after the word "each!" He was in favor of a poll tax. He thought that those who showed such a feverish anxiety for the interests of the poor men, did not fairly represent the feelings of that portion of the community. He was one of that class, and knew that they were willing to contribute in that way to the expenses of the State. —It was argued that persons would not come to this state if we levied this tax. He would answer that, if any one was unwilling to pay fifty cents in a year to defray the expenses of the government, it should be our policy to say to all such: "remain where you are; do not come to Illinois." A poll tax was levied in almost every state in the Union, and no one had ever repealed it. He was raised in an adjoining state, and had seen its practical operation, and no man ever refused to pay it. Any man who permitted his name to be posted, for delinquency in paying his capitation tax, might as well declare himself a member of the second "Indiana Regiment." Mr. McC. said that he could not understand those

who opposed the poll-tax, it was his opinion that they had some other motives, which had not been disclosed.

Mr. ALLEN said, he hoped the member would explain what he means.

Mr. McCALLEN said, he did not wish to offend that gentleman, for he esteemed him highly; he had only said it was his opinion, and when he had an opinion, he generally belched it out.

Mr. ALLEN said, that if he meant that he (Mr. A.) had any other motive than that expressed by him, he was perfectly willing that it should be stated.

The CHAIRMAN said, that he was determined there should be no personalities. The member from Hardin was in order, so far, and could proceed.

Mr. McCALLEN, after a short pause, said, that his friend had cut the thread of his discourse, and he felt he had no wax to mend it, and therefore, he would sit down.

Mr. ARCHER had heretofore expressed his views in opposition to the poll tax, but had voted for the instruction as a compromise. At that time, he did not know the sentiment of his people; but, when at home, he made some enquiries, and found the sentiment of his people was sensitive on the subject. Many were in favor of a poll tax, and many were bitterly opposed to it, or to any compromise, for this reason, he would go for the compromise: the giving to the Legislature power to levy the tax or not. And, to carry out that compromise, he had made the motion to amend, now before the committee.

Mr. THOMAS advocated the adoption of the provisions that the money should be appropriated to the payment of our school debt. As, unless we did so, and left the matter before the Legislature, we should have the same ill-advised legislation that we have hitherto had.

Mr. WEAD had expressed his views upon this subject before. He would detain the committee, with but a few remarks. He said this tax is equal to one and a half mills or fifteen cents on the hundred dollars of property in the state; the same amount as we have now provided for the payment of the state debt, making a tax of three mills or thirty cents on the one hundred dollars, independent of the tax of two mills for ordinary purposes. Will

the people submit to this? The Auditor had informed him that at the end of this year the amount of taxable property in this state would amount to $100,000,000.—The tax of one and a half mills upon this would be $150,000. He was in favor of a tax of three mills, to be set apart for the payment of the interest of the state debt, but this poll tax, which may be one dollar, fixed permanently in the constitution will interfere with a favorite measure of the people, far more desirable than a poll tax. That object was the adoption of the constitution. It was well known that in many sections of the state, the people were opposed to it, and if it should be fixed as the permanent policy they would vote against the constitution. But, if the power be given to the Legislature, the people, when they may desire it, will themselves force that body to pass such a law. There could be no question more appropriately left to the Legislature than this question of a poll tax. He doubted much the expediency of levying a poll tax in the state of Illinois, but if the people required it he would give the legislature power to levy it. Gentlemen admitted the difficulty of collecting this tax from those who had no property, but they put the matter on the ground that the pride and patriotism of the people would prompt the payment. He had as high an opinion of the pride and patriotism of the people as any one, and that they would rush forward and make any sacrifice to pay the debt or to sustain the honor and character of the state, and he believed that if a poll tax was levied to-day to pay the state debt, the people would willingly embrace the opportunity, but if, after paying it from year to year and seeing no diminution of the debt, they would become lukewarm and tired with its burden. He lived in a state where a poll tax had existed from the foundation of their government, but the land there belonged almost entirely to residents. Here it was different. Our debt was acquired in improving the land of the non-resident as well as of the resident. It was, therefore, unjust to tax those landholders who reside here with a double tax to clear the land of non-residents from an incumbrance which is upon it. This was unequal, and therefore, he opposed it. The resident now paid a poll tax—in the shape of road tax, which was as much for the benefit of the non-resident as for himself, and he asked would they now adopt a poll tax, which would only place an additional

burden on the resident and relieve the non-residents of an incumbrance upon their land? The people had not demanded this poll tax at our hands, and he asked would this Convention fix permanently in the constitution such a provision.

Mr. EDWARDS of Madison said, that he knew the member from Fulton was as anxious as any one to clear the state of the heavy debt upon her, and to provide for the payment of the interest on that debt, but he was wrong in his present views, and his remarks should be replied to or they might produce a wrong effect. He had presented the whole amount of taxes that we have proposed to levy and those now levied to amount nearly to seventy-five cents on the hundred dollars. This as an argument against a poll tax is of no weight, for if we make a provision for this poll tax, the Legislature will have power to reduce the other taxes now levied, and the only object of this tax is that the system may become one more equal.

The member from Greene says, that out of fifteen hundred votes in his county, there was but one hundred found in opposition to a poll tax. The member from Marshall says a large majority of the people in his county are in favor of this tax; his colleague [Mr. WEST] has said that the opinion of our county is in favor of it, and there was no doubt the same opinion was held all over the state, and there could be no danger of its defeating the constitution.

Mr. KINNEY of Bureau could see no objection to the section. A poll tax was in his opinion just and equitable.

Mr. CALDWELL moved to amend the proposed amendment by further striking out all after the word "each;" which was accepted by Mr. ARCHER as a modification of his amendment.

Mr. HOGUE was in favor of the amendment, and in favor of the poll tax. He had been in favor of a poll tax always, and had expressed that opinion to the people of his county before the election. He would prefer the section as it was reported by the committee, but when the matter was before the Convention before, there were several resolutions under discussion, and that which was adopted, was offered as a compromise, and was adopted as such, by a vote of 110 to 49. He desired to adhere to the compromise.

Mr. FARWELL said, this was not a question that had been discussed before his constituents. He and his colleagues were then left to exercise their own judgment upon the subject. He would vote for the amendment, and then vote against the whole section. He was opposed to the poll tax as unjust, unequal, and as resulting injuriously upon the finances of the state. Property was the basis of taxation, none other could be found certain. A man that had property, could be forced to pay his taxes, but how could you collect the tax from a man who had nothing? To attempt to force one dollar from a man who had nothing, was idle, for you would obtain nothing for your trouble. But to sweeten the section, and to make it more palatable to the poor man, they exempted personal chattels to the value of one hundred dollars, from taxation. Now the poor man would have to pay a tax of about twenty-five cents on that hundred dollars; but, for his benefit, you exempt him from this taxation, in consideration of his paying fifty cents or one dollar in shape of a poll tax. It was unjust and unequal, because it increased the burdens upon the residents, for the purpose of improving the property of the state, and of the non-resident, while the latter, by whom the greater part of the land in our state was owned, paid none of it. Gentlemen said that the requiring of this tax was beneficial, because those who paid it, would feel a greater interest in the state. He did not believe that the people who were most oppressed by the government loved that government best. Such was an attribute of spaniels, but not of men.

Mr. DAVIS of Montgomery repeated his views in favor of the justice of a poll tax. He considered that every man in the state, who was protected by the state, in his person, character and property, was bound, in justice and honor, to contribute to the support of the state. Every principle of justice dictated this. The landholder had a greater interest than one who had no land, and he paid a greater tax; he too, had a greater interest than that of his land, his life and his person were protected, and for this he was bound to contribute.

Mr. MASON addressed the committee in favor of a poll tax. And then the committee rose and reported progress. And on motion, the Convention adjourned till 3 P. M.

AFTERNOON

The Convention resolved itself into committee of the whole, and resumed the subject under consideration in the morning. The question pending was on striking out "shall," in the first line, and inserting "may," and striking out all after the word "each," being taken was decided in the affirmative—yeas 78.

Mr. WOODSON moved to strike out the section, as amended, and insert the following sections:

"Sec. 1. The Legislature shall cause to be collected from all free white inhabitants of this state, over the age of twenty-one years, and under the age of fifty years, a capitation tax of not less than fifty cents, nor more than one dollar each, until the payment of the state debt, to be paid into the state treasury, and applied as the Legislature may direct: *Provided*, when the poll tax herein provided for shall be fixed at one dollar, no person paying said tax shall be required to perform more than one day's labor on the public road during the year; but when said tax shall be fixed at less than one dollar, two days' labor may be required.

"Sec. 2. The foregoing section shall be submitted separately to the people, at the same time that the constitution shall be submitted to them for their ratification or rejection; and if a majority of the votes polled at such election shall be in favor of such tax, then the same shall be a part of the constitution of the state, but if a majority of the votes shall be cast against the said section, the same shall not be a part of the constitution; but the Legislature may, notwithstanding, when they shall deem it advisable, levy such tax as provided in said first section."

Mr. SCATES moved to insert in said amendment the following: "*Provided*, that whenever a capitation tax is assessed, as provided in this section, there shall also be assessed and collected an additional capitation tax, of _____ amount on every $100, on the following property, viz: On the excess, in value, above $1000, of all dwelling, commercial, manufacturing houses and appurtenances; on the excess, in value, above $100, of all household and kitchen furniture, and on all jewels, trinkets, ornaments, time-pieces and pleasure carriages."

Messrs. WOODSON and SCATES explained their respective amendments.

And the question being taken on that of Mr. S., it was rejected.

Mr. GEDDES moved to provide that no person should vote unless said tax was paid; and the same was rejected.

Mr. CHURCHILL moved to amend the last section of amendment by providing that the Legislature shall always submit the law, providing for a poll tax, to the people for their approval; and it was rejected.

Mr. DAWSON moved to strike out "50 years" in amendment; and it was carried.

Mr. THOMPSON moved to fill the blank with "70 years." Agreed to.

Mr. FARWELL said, in order to test his friends, who were so tenacious for the rights of the blacks, he moved to strike out "white." Rejected.

Mr. STADDEN moved to strike out "inhabitant," and insert "voter." Carried—yeas 50, nays 59. [*sic*]

And the question being taken on striking out the section and inserting the amended sections, offered by Mr. WOODSON, it was decided in the negative.

Mr. THOMAS offered a substitute for the section which was before the committee for one hour and a half, and to amend which innumerable propositions were made and rejected, and then Mr. T. withdrew it.

Mr. HAY moved to amend the section by inserting the words "able bodied" before the words "free white." Carried.

Mr. ROMAN moved to amend by inserting "who are entitled to the right of suffrage." Carried—yeas 69.

Messrs. VANCE, KENNER and HURLBUT offered amendments; which were rejected, and the section was adopted as follows:

"SEC. 1. The Legislature may cause to be collected from all able bodied, free, white male inhabitants of this state, over the age of twenty-one years, and under the age of sixty years, who are entitled to the right of suffrage, a capitation tax of not less than fifty cents, nor more than one dollar, when the Legislature may deem it necessary."

"SEC. 2. The Legislature shall provide for levying a tax by valuation, so that every person shall pay a tax in proportion to the value of his or her property; such value to be ascertained by

some person to be elected or appointed in each county in the state, in such manner as the Legislature shall direct, and not otherwise: but the Legislature shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, and ferries, and persons using and exercising franchises and privileges, in such manner as they shall from time to time direct."

This section was taken up. Several trivial amendments were offered by Messrs. CAMPBELL of McDonough, WEAD, BROCKMAN, WEST and MARKLEY and rejected.

Mr. SCATES moved to amend by inserting after the word "person," in the first line, the words "corporation and government."

This amendment brings up Mr. SCATES' proposition to tax the United States lands,

Pending which, the committee rose, and the Convention adjourned till to-morrow at 8 A. M.

Leave of absence for eight days was granted to Mr. JACKSON.

Mr. CRAIN, from the committee on Miscellaneous Subjects, reported an article, to be inserted in the constitution, in relation to county courts.—Read, laid on the table, and 250 copies ordered to be printed.

Mr. Z. CASEY moved to suspend the rules for the purpose of taking up a resolution offered by him some days since, providing for the adjournment of this Convention on the 30th inst.

And the question being taken by yeas and nays, was decided in the affirmative—yeas 77, nays 30.

The resolution was then taken up.

Mr. WITT moved to strike out "30th inst."—Carried.

Mr. WITT moved to insert "20th August."

Mr. ADAMS moved to insert "September the first."

Mr. LOCKWOOD moved to insert "August 25."

Mr. DAWSON moved to add to the resolution the following:

"*Provided*, no member hereafter shall, on any question, either in committee of the whole or in Convention, be allowed to speak more than once on any one question, nor for a longer period than fifteen minutes; and the president of the Convention or chairman of the committee of the whole is hereby required to rigidly enforce the same."

Mr. EDWARDS of Madison moved to lay the resolution on the table; on which motion the yeas and nays were ordered and taken, and the motion was rejected—yeas 26, nays 94.

Mr. EDWARDS of Sangamon rose to a point of order, and stated it to be, that the rules required that no resolution could be offered or discussed in the Convention; that they also required, to suspend them or any of them, an affirmative vote of "two-thirds of *the members;*" this two-thirds of the members, in his view, was two-thirds of the members *elected*. Therefore, two-thirds of the members elect not having voted to suspend the rules, the resolution could not be considered by the Convention.

The PRESIDENT decided that the words "two-thirds of the members" meant two-thirds of those *present*, and that, therefore, the resolution was properly before the Convention.

Mr. BOSBYSHELL appealed from the decision of the chair.

And the question being put—shall the decision of the president stand as the decision of the Convention? It was decided by yeas and nays in the affirmative—yeas 94, nays 26.

Mr. Z. CASEY moved the previous question; which was seconded.

And the vote being taken on inserting "September the first," it was rejected—yeas 48, nays not counted.

The question on inserting "August 25" was decided in the affirmative—yeas 62, nays 53.

Mr. DAWSON'S amendment was then adopted, and the resolution, as amended, was passed.

The Convention then resolved itself into committee of the whole—Mr. EDWARDS of Sangamon in the chair, and resumed the consideration of the report of the committee on Revenue.

The question pending was on the amendment proposed by Mr. SCATES to the second section of the report, to-wit: to give the legislature power to tax "corporations and governments"—the objects being to tax the United States lands.

Mr. SCATES addressed the committee for fifteen minutes, during which time he had but laid the foundation of his argument, when he was called to order by the chairman, under the rule adopted in the morning, restricting debate to that "period."

Messrs. CASEY, MCCALLEN, SHERMAN, DAVIS of Montgomery, ADAMS, PETERS, and DAWSON insisted on the enforcement of the rule. Messrs. DAVIS of McLean, BROCKMAN, and JENKINS advocated a suspension of the rule in this case, because Mr. S. held the floor yesterday, and yielded it for an adjournment, under an implied belief that he would be allowed to proceed to-day.

Mr. SCATES said, he desired no one to vote from courtesy to him, if the importance of the subject did not demand investigation, he wanted the rule to be enforced.

And the question being taken on a suspension of the rules, it was decided in the negative.

The committee divided on the amendment of Mr. S., first on

inserting "corporation," and it carried; and then on inserting "government," and it was rejected.

Mr. LOGAN moved to amend by striking out the words "in each county in the state." He thought this giving to the several counties the right of choosing their assessors would be found, as heretofore, to be inefficient in its results. He was of opinion that the power should be given to the Legislature to appoint the assessors, or else we might have similar cases to what had occurred in the state some years ago. One county has refused to assess her property, and has paid no taxes for four years. They elect as assessors men pledged to resign before the time for discharging their duty, and the state loses so much of her revenue.

Mr. Z. CASEY thought no such case would ever occur again; he would suggest to the member from Sangamon the propriety of inserting a provision that in case any county acted in the way spoken of, that the Legislature might *then* appoint assessors.

Mr. CALDWELL opposed the motion to strike out. The section, as it now stood, presented a principle which should be observed throughout our whole organic law—that all power is in the people, that all the officers to carry out that power should be chosen by them, and made responsible directly to them. Once assume the principle that the people would be so lost to honesty and virtue as to refuse to assess their own property or to choose officers to perform that duty, then away with all elections of officers by the people, for the principle will apply to the choice of all officers as well as that of assessors. We must always assume that the people are honest, virtuous and patriotic, and upon that all our proceedings must be based. Otherwise, how can we give them the choice of any officer?—All power is derived from the people; and all officers exercising that power, particularly assessors, who can use it more oppressively upon the people than almost any other, should be directly responsible to the people, for the manner in which they perform their duties.

Mr. ROUNTREE made a few remarks to the same effect.

Mr. THOMAS and Mr. WEAD advocated the striking out.

The committee divided on the motion, and it was carried—yeas 59, nays 50.

Mr. MARKLEY moved to insert, after "valuation," the fol-

lowing: "but (the Legislature) may fix a minimum valuation upon real estate."

Mr. KNAPP of Jersey offered as a substitute for the amendment the following: "But no lands subject to taxation shall be assessed at less than one dollar and twenty-five cents per acre."

Mr. THOMAS advocated the fixing of a minimum valuation upon land, below which no assessment should be made. He cited the amount of revenue received in 1841, when such a policy was in force—the minimum at $3 per acre.

Mr. CALDWELL was surprised to hear the principle that all taxation should be based on the value of property, controverted by any one, or that it was just to fix any arbitrary rate of taxation on property, independent of its value, advocated. He held that the true and only just basis of taxation was the value of the thing taxed. He was asked what was the value of property—how it could be ascertained? The value of all property is the profit it yields—what it is intrinsically worth, what it will command. This was evident. All the relations and business of society establish the principle that the true valuation of property is by the amount of capital invested and the profits it yields. Erect any system of valuation upon any other basis, and society will break it down and trample upon any such arbitrary rule as taxing property independent of its real value. Such arbitrary rules are calculated to violate the laws of nature, the very instincts of man, for the principle of valuation of property by the profit it yields, pervades all the relations of society. He replied to the calculations submitted by Mr. THOMAS, based upon the increase of revenue in '41, by reminding the Convention that in that year there was a greater amount of real estate subject to taxation than at any preceding time, and that the *rate* of taxation was higher than at the different periods mentioned. He attributed the difference in the amount of revenue at the different periods not to any minimum provision, but to the changes by Legislature in the rate of taxation.

Mr. LOGAN was in favor of a minimum valuation, not to be fixed in the constitution, but to be left with the Legislature.

Mr. WILLIAMS was opposed to a minimum valuation, as unjust. He was willing to compromise on the proposition of Mr.

KNAPP, but if that were rejected he would vote against it entirely. He thought valuation was the only true basis of taxation. Its value was what it is worth, what it will bring in the market. The question was taken on the substitute of Mr. KNAPP, and it was rejected. The question recurred on the amendment of Mr. MARKLEY, and the committee decided, yeas 49, nays 56; no quorum voting.

The committee rose and reported the fact to the Convention, and the Convention adjourned till 3 P. M.

AFTERNOON

The Convention met, but few members being present, a call was ordered. After some time spent in the call, and no quorum appearing, the sergeant-at-arms was despatched for the absentees. After a sufficient number appeared, the Convention resolved itself into committee of the whole.

The question pending was on the amendment of Mr. MARKLEY.

Mr. CHURCHILL offered a substitute; which was rejected.

The question was then taken on the amendment, and resulted yeas 48, nays 53. No quorum voting. A second vote was taken and the same result was had.

The committee rose and reported the fact to the Convention.

A call was ordered and, after considerable time, 117 members appeared, and the committee resumed its sitting.

And the question being again put on the amendment, it was rejected—yeas 52, nays 59.

Mr. DAWSON moved to strike out the words "and not otherwise."

Mr. SCATES said, this was the minimum proposition in another shape, and he hoped it would again be voted down. And the motion was rejected.

Mr. SCATES moved to reconsider the vote by which his amendment, to insert "government," was rejected. And the vote was reconsidered.

Mr. SCATES then withdrew his amendment.

Mr. SCATES offered an additional section in relation to taxing liquors; which was rejected.

Sec. 3. The following property shall be forever exempt from taxation:

1st. The wearing apparel of every person in the state.

2d. The household and kitchen furniture of every housekeeper in this state, not to exceed in value the sum of one hundred dollars.

3d. The real and personal property of this state.

4th. All lands belonging to the school fund of any township in the state, and every school-house, court-house, and jail, and all county lands and buildings set apart for county purposes, not to exceed five acres.

5th. Every building erected for religious worship, the pews and furniture within the same, and lands whereon such building is erected, not exceeding ten acres.

6th. Every building erected for the use of any literary, religious, benevolent, charitable, or scientific institution, and the tract of land on which the same is situated, not exceeding ten acres; also, the personal property belonging to any such institution and connected with and set apart for the use thereof.

Mr. WEST moved to insert after "ten acres:" "and such lands as may be set apart for burial grounds;" which was adopted.

Mr. WEST moved to strike out the words, "the following property shall be forever exempt from taxation," and insert: "the Legislature may exempt from taxation the following property"—yeas 62, nays 41. No quorum voting.

A second vote was taken and resulted yeas 69, nays 50. Carried.

Mr. THOMAS moved to strike out the section, and insert the 7th section of his report.

Mr. KITCHELL offered as a substitute for the amendment: "the Legislature may exempt such property from taxation as they may deem necessary"—yeas 69, nays 31. No quorum voting. A second vote was had and resulted—yeas 74, nays 35.

And the vote being taken on inserting the substitute in lieu of the section, it was decided in the negative.

Mr. LOCKWOOD offered, as an additional section, the following; which with a slight amendment, was adopted—yeas 61, nays 39.

Sec. 4. Hereafter, no purchaser of any land or town lot, at any sale of lands or town lots for taxes due either to this state, or any county, or incorporated town or city, within the same; or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the land or town lot so purchased, until he or she shall have complied with the following conditions, to-wit: Such purchaser shall serve, or cause to be served, a written notice of such purchase on every person in possession of such land or town lot, three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed, do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county in which such land or lot is situated; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section; which affidavit shall be delivered to the person authorized by law to execute such tax deed; and which shall, by him, be filed with the clerk of the circuit court of the county where such land or lot shall lie, to be by such clerk carefully preserved among the files of his office. Any person swearing falsely in any such affidavit shall be deemed guilty of perjury, and punished accordingly. In case any person shall be compelled, under this section, to publish a notice in a newspaper, then, before any person, who may have a right to redeem such land or lot from such tax sale, shall be permitted to redeem, he or she shall pay the officer or person who by law is authorized to receive such redemption money, the printer's fee for publishing such notice,

and the expenses of swearing or affirming to the affidavit, and filing the same.

Mr. FARWELL offered as an additional section: "The state revenue shall be collected in gold and silver coin, or auditor's warrants; and the county revenue shall be collected in gold or silver coin, or county orders."

Mr. THOMAS moved to strike out "auditor's warrants."

And the question being taken on striking out, resulted—yeas 30, nays 59. No quorum voting.

The committee rose and reported that fact to the Convention.

And the Convention adjourned till Monday, at 8 A. M.

Messrs. JENKINS and THOMPSON presented petitions from their respective counties, praying for an exemption of a homestead from execution. Referred to the committee on Miscellaneous Subjects.

Mr. CRAIN, from the committee on Miscellaneous Subjects, to whom had been referred certain petitions praying a reduction of the General Assembly, reported the same back, and were discharged from the further consideration thereof.

A few members only being present, the Convention was called, and after some time occupied in the call, a quorum appeared.

Mr. THOMAS moved to suspend the rules to enable him to offer a resolution of inquiry to the committee on Finance, and the house divided thereon, and no quorum voted.

Mr. THOMAS then withdrew his resolution.

Leave of absence was granted for two weeks to Messrs. NORTON, and HUNSAKER; for one week to Mr. GREEN of Tazewell, and for three days to Mr. KNOWLTON.

Mr. ECCLES moved to suspend the rules to enable him to offer the following resolution:

Resolved, That whenever a call of the Convention is ordered, the secretary shall note on the journal the names of the absentees.

And the rules were suspended.

Mr. WOODSON moved to amend, by adding "except those absent by sickness or by leave."

The Convention divided on the amendment, and stood 66 in the affirmative, 39 in the negative. No quorum voting.

Mr. WOODSON withdrew his amendment.

The yeas and nays were ordered on the resolution, and it was adopted—yeas 109, nays 7.

Mr. WHITESIDE moved to suspend the rules, to enable him to offer a resolution that the "fifteen minute period" be rescinded; and the Convention refused to suspend the rules.

The Convention resolved itself into committee of the whole, and resumed the consideration of the subject of Revenue.

The question pending was on the proposed additional section, offered by Mr. FARWELL on Saturday, and the motion to strike out thereof the words "auditor's warrants."

Mr. THOMAS made a few remarks in favor of his amendment.

Messrs. HOGUE, TUTTLE and DEMENT opposed the amendment. They considered it unjust in the state to refuse to receive for taxes the issues of the state.

And the question being taken on Mr. THOMAS' motion, it was rejected—yeas 29.

Mr. McCALLEN moved to insert after "auditor's warrants" the words: "or other state indebtedness;" which was rejected.

The question recurred on the proposed section, and that, too, was rejected.

Mr. SHERMAN offered, to be added to the 3d section, the following: "Provided that if any part of the aforesaid ten acres is used for any other purposes than a burial ground, or a building for religious worship, then the same shall be taxed as other property."

Mr. WOODSON offered the following, as a substitute for the amendment, and it was accepted as a modifiction.

"Provided that property owned and used for purposes of education, or religious worship, or to the burial of the dead, shall be exempt from taxation, but the General Assembly shall have power to limit the quantity of land to be exempt as aforesaid."

And the question was taken on the amendment, as modified, and adopted.

Mr. HOGUE moved as a substitute for the third section, as amended, the following:

"The property of the state and of the counties, both real and personal, and such other property as the Legislature may deem necessary for school purposes, shall be exempt from taxation."

And the substitute for the section was adopted.

Mr. LOGAN moved to add to the section: "and necessary wearing apparel, not including watches, trinkets and jewelry."

Mr. ECCLES moved to add to the amendment: "also, the

household and kitchen furniture, not exce[e]ding in value one hundred dollars;" which amendment was accepted.

Mr. LOGAN then withdrew the modified amendment.

Mr. THOMAS moved to add the following additional sections:

"Sec. 5. The corporate authorities of counties, townships, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

"Sec. 6. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution."

Mr. CHURCHILL offered, as an additional section, the following:

"The Legislature may, at any regular session, change, alter or repeal the foregoing sections by a vote of two-thirds of the members thereof;" which was disagreed to.

Mr. DAWSON offered a long additional section; which was rejected.

Mr. TUTTLE offered the following proviso to be added to section 4:

"*Provided*, that every tract or parcel of landl ying in this state, subject to taxation, shall be liable for all taxes accruing on the same, and all such lands may be proceeded against and sold for taxes without regard to ownership, or otherwise, in such manner as the Legislature shall prescribe by law; and provided, in all cases, a judgment shall be obtained against such lands before the same shall be sold."

Mr. TUTTLE expressed himself in opposition to section 4 as it stood.

Mr. CHURCHILL opposed both the section and the amendment.

Mr. LOCKWOOD defended section 4 as necessary and just to the protection of the people, and opposed the amendment.

And the question being taken on the amendment, it was rejected.

Mr. Z. CASEY moved the committee rise and report. Carried.

And the committee rose and reported back to the Convention the report of the committee, and asked the concurrence of the Convention in the amendments.

Mr. THOMAS moved that the article be laid on the table, and that 250 copies be printed with the amendments; which motion was adopted.

Mr. CALDWELL moved the Convention adjourn till 3 P. M. Lost.

Mr. ADAMS moved to take up the report of the committee on the Executive Department, as amended in committee of the whole—yeas 47, nays 58, no quorum voting. A second vote was taken and resulted—yeas 49, nays 53, no quorum voting. The yeas and nays were demanded and ordered.

Mr. LOCKWOOD moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That hereafter a majority of the members shall constitute a quorum to transact business.

And the Convention refused to suspend the rules.

Mr. ADAMS withdrew his motion.

Mr. DALE moved to take up the report of the committee on Counties and their Organization.

Mr. WEAD moved a call of the Convention. Objected to.

Mr. LOGAN moved the Convention adjourn till to-morrow at 8 A. M. And the Convention adjourned till to-morrow.

Mr. CRAIN, from the committee on Miscellaneous Subjects and Questions, to which was referred sundry petitions on various subjects, reported the same back to the Convention and was discharged from the further consideration thereof.

Mr. THOMAS moved the Convention resolve itself into committee of the whole and take up the reports from the committee on Incorporations, and the motion was concurred in.

The Convention then resolved itself into committee of the whole—Mr. WEAD in the chair.

The report was read as follows:

SECTION 1. Corporations, not possessing banking powers or privileges, may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws.

SEC. 2. Dues from corporations not possessing banking powers or privileges shall be secured by such individual liabilities of the corporators, or other means, as may be prescribed by law.

SEC. 3. No State bank shall hereafter be created, nor shall the state own, or be liable for, any stock in any corporation or joint stock association for banking purposes.

SEC. 4. No banking powers or privileges shall be granted either by general or special acts of incorporation, unless directed by the people of the state as hereinafter provided.

SEC. 5. The Legislature may at any session, but not oftener than once in four years, direct the vote of the people to be taken on the day of the general election, for or against the absolute prohibition contained in the fourth section of this article; six months notice having first been given, and if a majority voting shall decide against the prohibition in the said fourth section, the Legislature may authorize the forming of corporations or associations for banking purposes by general acts of incorporation, upon the following conditions:

1st. No law shall be passed sanctioning in any manner, directly or indirectly, the suspension of specie payments. 2d. Ample security shall be required for the redemption in specie of all bills and notes put in circulation as money, and a registry of all such bills and notes shall be required. 3d. The stockholders in every corporation and joint stock association for banking purposes, issuing bank notes, or any kind of paper credit to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind. 4th. In case of insolvency of any bank or banking associations, the bill holders shall be entitled to preference in payment over all other creditors of such bank or association. 5th. Non-payment of specie shall be a forfeiture of all banking rights and privileges, and the Legislature shall not have power to remit the forfeiture, or relieve from any of its consequences; and provision shall be made by law for the trial, in a summary way, by the judicial tribunals, of all contested questions of forfeiture of banking privileges.

Sec. 6. Acts of incorporation for municipal purposes, whether general or special, may at any time be altered, amended, or repealed, and all general acts granting corporate powers of any kind other than for municipal purposes, may at any time be altered, amended or repealed, but such alteration, amendment or repeal shall, unless the right to make the same be reserved, operate prospectively.

Mr. DAVIS of Montgomery moved to strike out the first section and insert the following:

"No corporate body shall be hereafter created, renewed, or extended within this state, with banking or discounting privileges."

Mr. D. said he was totally opposed to banks and in favor of a prohibitory clause. This was his position now and at all times. He addressed a few words to the party with whom he generally acted (whig) and told them that they were not, as a party, pledged to state banks or local banks; that was the policy introduced by their opponents, when they crushed the national bank. The whig party is only pledged to a national bank; a bank that will give us a currency that when a man sell[s] his horse or his products at St.

Louis, he can take its notes and they will be as good as silver in New York. This is what they were pledged to, and therefore he feared not to be read out of the party for opposing banks in Illinois. But party would govern no longer, we would all soon be one universal party—a "Rough and Ready party." The people of this state wanted no banks—wanted no state banks; Cook county wanted no banks; the people here have declared their hostility to banks in the form of instructions to their representatives. How was it that the democratic party, or a portion of them, distrust the judgment of the people, so far as to openly violate their instructions? How can they now reject the opinion and sentiments of the people on this point, when opposition to banks has been the cardinal principle of the whole party? Why, sir, by voting for state and local banks they admit that the people are in favor of them, and is this so? They come here with instructions in their pockets, yet they disregard the people's opinions and presume to judge what is best for them. They answer me that the constitution will be voted down, if prohibition becomes the order of the day. Sir, it is all gammon. The people will sustain it. The democracy will sustain it, and one half the whig party will sustain it. Everywhere it was known as the principle of the democratic party. Your newspapers, your county and town meetings, all held the same principle, and it was proclaimed by the convention that nominated your governor, who was elected by 23,000 majority.

Mr. DEMENT said, that from the haste which had been shown to test the question of prohibition, it was evident the democracy had cause to congratulate themselves. We have, from the hot haste, an evidence that perhaps a few of the "tender footed" are coming to our aid; and it might be that a number of the whig party would also come to the side of prohibition. Although this was a favorite hobby with the democratic party, he would say to those whigs—"Come, come along gentlemen, you are welcome to ride with us. We don't care even if you mount in front, we will be willing to ride behind provided we can carry our principle. On the question of striking out, he said, that the section now before them was one in relation to incorporations without banking powers, and confined exclusively to that. Such a section

was necessary and he hoped that it would be suffered to pass by, and a more proper opportunity to test the question of prohibition would occur afterwards. This was his view, and he did not think a fair test could now be had; but if the whig friends of prohibition —a goodly host he hoped—desired to test it at once, why, he trusted his democratic friends would go with them and carry the motion to strike out. Let us do the work while they are in the humor, while the wind was favorable and in the right quarter.

Mr. MARKLEY was in favor of striking out, and hoped the question of prohibition would be tested at once.

Mr. KINNEY of St. Clair said, that he hoped the friends of prohibition would vote for striking out.

The question was taken on striking out and resulted—yeas 40, nays 63; no quorum voting.

Mr. WILLIAMS said, he was opposed to prohibition on general principles, but the great success of the democratic party in Illinois had been the result of the continued out-cry and preaching by them against banks, and because the whig party were generally identified with banks. He would vote, therefore, for prohibition; would unite himself with John Thompson's cattle and help to draw the democratic cart out of the mud hole. He would do this, not because the principle was a true one, but for the purpose of forever putting an end to this cry against banks and whigs, on which the democratic party always kept in power.

Mr. HARVEY was in favor of the section as it was, it related only to incorporations without banking privileges, and would vote against striking out till they were provided for. When the question of prohibition came properly before them he would define his position on that subject.

Mr. BUTLER expressed views similar to those of Mr. HARVEY, as to striking out. On the question of banks his opinions had not changed. He thought he understood what was democracy as well as any one else, and desired not the teachings of others. He was opposed to a prohibitory clause as part of the constitution; but would vote for it as a separate article, to be submitted to the people separately from the constitution.

Mr. THOMAS was opposed to striking out the section. He would not say whether he would vote for prohibition or not, but

when that question came before them properly he might do so, or he might not.

Mr. COLBY was opposed to striking out.

And the question being taken on striking out, it was rejected—yeas 44, nays 71.

Mr. WHITESIDE moved to strike out the word "and" after the word "purposes" in the 1st section; and the motion was lost—yeas 50, nays 61.

Mr. CALDWELL moved to add to the section: "all such acts, whether general or special, may, at any time, be altered, changed, or repealed," and the same was rejected.

Mr. SCATES moved to add to the section: "the members of all corporations or associations, other than municipal, religious, scientific, and charitable, shall be individually liable for the debts, liabilities and acts of such corporations or associations, and for the consequences resulting from such acts."

Mr. McCALLEN opposed any exemptions from individual liability.

And the question being taken the amendment was adopted—yeas 58, nays 55.

Section 2 was then taken up and—

Mr. THOMAS moved that it be stricken out. He thought that the amendment just adopted carried out its object.

Mr. SCATES moved to strike out the words "individual liabilities of the corporators, or," in order that the legislature might have power to require greater security than the first section as amended conferred upon them.

Mr. DEMENT advocated the amendment as giving the legislature power to require additional means of security; and as not placing the question of liability beyond their control.

And the question being taken, the motion was lost.

Mr. BROCKMAN moved to strike out the words "not possessing banking powers or privileges;" and the motion was rejected.

Mr. CHURCHILL moved to add to the section: "and such liability shall be levied on their individual property, in proportion to their several interests in said corporation," and it was rejected.

The question then recurred on the motion to strike out the section, and it was decided in the negative.

Mr. EDWARDS of Sangamon offered as an additional section, the following:

"All the property belonging to the inhabitants of any municipal corporation shall be liable to the payment of debts contracted under the authority of law;" which was adopted.

Section 3 was taken up and—

Mr. McCALLEN moved to add to it: "unless the people sanction the establishment of a state bank, by a vote at a general election, to be submitted to them according to law."

Mr. SCATES inquired whether the section as it now read would affect the interest of the state in any institution at present existing.

Mr. HOGUE thought the section was intended to effect prospectively, not retrospectively.

Mr. McCALLEN was in favor of a state bank for two reasons. One, to give the people a good and reliable currency; the other, to repel the base slander that the people of Illinois have not sufficient virtue and honesty to be allowed to create a currency for themselves, a right enjoyed by the people in every state in the Union except our own. He bitterly attacked the fifteen minute rule, which prevented discussion upon the question, while the tables were groaning under the weight of speeches delivered in opposition to banks on a former occasion.

The question was then taken on the amendment, and it was rejected.

Mr. KENNER moved to strike out "for banking purposes" and insert "to be created by general or special laws;" rejected.

Mr. HARVEY moved to add to the section the words "to be hereafter created."

Mr. KITCHELL inquired if the section, as it now stood, would not prevent the state from becoming the owner of any stock, even if she were to take it in payment of debt.

Mr. HARVEY thought it would, and for that reason would vote for it.

And the question being taken on the amendment, it was adopted.

Mr. WILLIAMS moved to strike out the section and insert: "no corporate body shall be hereafter created, renewed or extended within this state, with banking or discounting privileges."

Mr. WILLIAMS said, that he was in the legislature at the time when the state bank was established and was acquainted with its history. At the opening of the legislature our democratic Governor informed us that he was about to propose a state bank which was to give a good and uniform currency, and enable the state to carry on her intended system of internal improvement. That bank was established, loans were made, and the internal improvements fell through, and our prosperity was crushed. Then, the democratic party commenced a war upon banks; at all their meetings and assemblages their theme was opposition to banks. The whigs differed; they came forward to sustain the banks and to relieve them, and were held up before the state, by the democrats, as rag barons, friends of swindling monopolies, and the advocates of banks. That tirade has been kept up till the present day, and all who are in favor of conservative measures, have fallen under its effects. He would now vote for prohibition of all banks. But he would say to his democratic allies, he acted thus for the good of the whig party and not because he believed the principle a true one. He acted also for the good of those democrats who were sincerely in favor of prohibition. He considered that no good bank could exist in this state, so long as cause for this clamor was suffered to remain. He would, therefore, vote for prohibition, in order that the experiment could be tried, and the result would be that the question would forever be put at rest. He looked upon the resolutions of instruction from Cook county, as got up for mere effect, and they were understood to be open to violation. The whigs and a portion of the democratic party may succeed in establishing a state bank, but it can never succeed while the cry of the democratic party is against them; and it was better for the whigs to give the democrats what they desire now, not that he believed it would work well, if it did he would become a convert to it, but that the people may become sick of it, and then we may have a good bank and one on which all parties will unite.

Mr. SHERMAN said the county of Cook was becoming a familiar word in the Convention, and the instructions of the

democratic convention was becoming the theme of every speech. Those instructions, as he understood them, were not, as had been ingeniously insinuated, passed with an understanding that they might be violated, or were not binding. He understood that they were passed in reference to the banks *such as had heretofore existed in this state*, and not in reference to any system that might be adopted in this Convention. They were passed in good faith, and not to go before the country for Buncombe purposes. He was opposed to prohibition, and in favor of giving Illinois the same privileges that other states possessed. He was opposed to a national bank; but was willing to have, in this state, a restricted banking law.

Mr. HARVEY called for a division of the question so as to vote first on striking out. He was opposed to striking out. He believed the people of the state are opposed to a state bank. He was prepared to sustain a prohibition of a state bank, for he believed the people were united on that subject. He was surprised to hear in the Convention, where we had met to discuss great constitutional questions, gentlemen descend to personalities; that lectures should be read to the gentlemen from Cook and from other places, about the course they thought proper to follow. Much difficulty was experienced in ascertaining who was John Thompson. That story had been told but the true version was this: John went to market and got drunk: on his return he fell asleep in his cart, which was drawn into a mud hole; the cattle struggled and broke from the cart and cleared off. John woke up and rubbed his eyes and exclaimed, am I John Thompson or am I not? If I am I have lost my team; if I am not I have found a cart. Thus it was with the leaders of the party upon this prohibition. If the gentleman from Jefferson was John Thompson he has lost his team; if not, he has found a cart. But he had yet to learn that hostility to banks—total prohibition of them, was a principle of democracy. No democratic leader ever advocated such doctrine. He was opposed to banks, but desired to give the people the right to say whether they will have them or not.

Mr. GEDDES was in favor of some well regulated system of banking, which by increasing the capital of the state, would enable the vast resources of the state to be developed.

Mr. THOMPSON, like Hannibal of old, who had been sworn in his infancy to eternal enmity to Rome, had sworn eternal hostility to banks. He had been taught the value of labor, by his earliest occupation—teaching school in the eastern states. He received his pay there in eastern bank money and when he started for Illinois, he found that the price of his toils was almost worthless. When he reached Albany, he found that his money would not purchase a dinner. There he made his first acquaintance with brokers and shavers. After that he travelled on New York currency. Thus in his early days he acquired an enmity to banks, and it had continued ever since and would not be eradicated from his mind. He remembered the time when all his democratic friends spoke of banks in very hard terms, called them monsters, and all sorts of opprobious names; but now they changed their tone. He would say to them as did the minister to his people—when speaking of the devil—my friends, the time was when you spoke of him bitterly, when you called him "the devil," but now forsooth, you rub him down the back and call him "poor *fallen angel.*"

Mr. T. spoke some time in opposition to banks in any shape, and thought that the resources of the state could all be developed as well by gold and silver, as by a paper currency.

Mr. ARCHER expressed himself as opposed to all kinds of banks and banking systems, and would vote against them no matter what shape they were presented in. He was in favor of a total prohibition and would vote for that and that only.

The question was taken on striking out, and lost.

Mr. DAVIS of Montgomery moved to strike out the word "state" before the word "bank;" lost.

The 4th section was read, and

Mr. ARMSTRONG moved to strike out and insert the amendment proposed by Mr. WILLIAMS.

Mr. ROBBINS moved to strike out all after the word "unless" and insert, "the act granting the said powers or privileges be submitted to the people for their approbation or rejection, at the next general election after the passage of the said act, and if the said act shall be approved by a majority of the votes given at the said election, the same shall thereafter become a law."

Mr. FARWELL moved to add to the amendment: "*Provided*, that all persons voting for the adoption of this section shall be responsible to the full extent of all their property, both personal and real, for all the failures, miscarriages or defalcations of any and of all banks hereafter to be created or established by virtue of this section."

Mr. FARWELL called upon all those who recommended those institutions to the people as safe, trustworthy, &c., to show their sincerity, by voting for his proposition. He considered it but fair that they should be compelled to endorse their recommendation. All the laws of trade, and of every day life, recognized a similar principle; and those who recommended these institutions should be required to endorse that recommendation, by becoming responsible for any loss that might be sustained.

Mr. ROBBINS thought the people should have the right to govern themselves in all things. They were in favor of a bank of some kind, and would take the best they could get. The report of the committee put the time when they could have a bank too far off; it might be eight years before they could have one. His amendment put it in their power to have one at a shorter period.

Mr. PALMER of Marshall sincerely hoped that Mr. FARWELL's proviso would not carry; it would be the greatest injustice to the members of the Convention who would vote for a bank. He advocated the amendment of Mr. ROBBINS.

The question was taken on Mr. F's. proviso, and after two votings was rejected—yeas 35, nays 76.

Mr. CRAIN moved to add to the amendment of Mr. ROBBINS the following:

And should there ever at any time exist a bank charter of any kind in this state by authority of law, and if said institution shall at any time reject or refuse to redeem any and all of her issues, when presented for redemption, in gold and silver—without delay at par value, then and in that case said charter or privilege shall be forfeited forever; and all the property of her stockholders, both personal and real, shall be bound for the redemption of all their circulation.

Mr. DEMENT said that he was sorry to see amendments to bank propositions coming from the friends of prohibition. We

have now arrived at that point when we might test our strength. Let us do it. If we fail then it will be time for us to turn our attention to the propositions and attempt to mend them; and finally to take the second best to prohibition. It was true, he did not feel as confident of success now as he did in the morning; he had been led to expect too much from the other side of the house. The gentleman from Adams, (Mr. WILLIAMS) who had led off on that side for prohibition, has said that his object in so doing is to accomplish the ultimate success of the whig party; he has viewed it as a *party* question. Now it is well known the whigs for that reason could not follow him. They had made the "no party" principle the basis of their action, and have declared themselves for "no party" policy, and cannot, consistently, vote for a *party* movement. However, the gentleman's vote will be with us, though his heart is against us, and though he gives us, every time he speaks, two blows back for the one forward, we will not refuse his aid. He was not so much disappointed as might be conceived in the result, though he had hoped that the member from Adams might bring a corporal's guard, or a sergeant's guard, or perhaps a captain's command, with him; he still remembered that he could not recruit many in the county where he was. His countrymen were all peace men, were opposed to war, and as this might be considered an "unholy war" against banks, the whigs could not enlist. He hoped the friends of prohibition would not try to sweeten the dose, but first try prohibition. If they failed, then let us sweeten and spice up every system they offer, and perhaps it may not be so palatable to its friends after coming from our hands.

Mr. DAVIS of Montgomery expressed himself in favor of voting for prohibition at once.

Mr. WILLIAMS said, he had some difficulty in adapting himself to his allies, and had been uncertain how to vote; he would place himself under the gentleman from Lee, and would do as he did.

Mr. W. then solicited the whigs to vote for prohibition, on the ground that it would result to their benefit in the end.

The committee rose and reported progress, and the Convention adjourned till 3 P. M.

AFTERNOON

The Convention resolved itself into committee of the whole and resumed the bank report.

Mr. BOSBYSHELL addressed the committee in opposition to banks.

An act of special incorporation may frequently afford the persons associated under it facilities of accomplishing much public good. But, sir, if those facilities can only be given at the expense of rights of paramount importance, they ought to be denied by all whose political morality rejects the odious maxim that the end justifies the means. Sir, I am particularly hostile to special legislation, that is, special incorporations. I am opposed to the objects to be effected, viz: the right of forming partnerships to be granted to the few, and wholly denied to the many. I am, in short, opposed to unequal legislation, whatever form it may assume, or whatever object it may ostensibly seek to accomplish. It has been truly said, sir, by one of our illustrious Presidents, that there are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, as Heaven does its rains; shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. But, sir, when it departs from its legitimate office, it widely departs from the cardinal principle of government, in this country; the equal political rights of all, when it confers privileges on one set of men, no matter for what purpose, which are withheld from the rest. It is in this light, sir, I look upon all special acts of incorporation. They convey privileges not previously enjoyed, and limit the use of them to those on whom they are bestowed. That acts of incorporation, sir, have been given for objects of intrinsic excellence and importance, I freely admit, nor do I intend to deny, that they have been of incalculable benefit to the community at large. Let it be understood that I do not war against the good achieved, but seek only to explain the evil of the means. A special act of incorporation, sir, is a powerful weapon; but is one that should have no place in the armory of the democracy. It is an instrument that may hew down forests, and open fountains of wealth in barren places, but these advantages are purchased at too dear a rate, if we give for them our freedom. As a general rule,

too, corporations act for themselves, not for the community. If they cultivate the barrens, it is to monopolize its fruits, if they delve the mine, it is to enrich themselves with its treasures. If they dig new channels for the streams of industry, it is that they may gather the golden sands for themselves. Even if the benefits which I, sir, am willing to admit, have been effected by companies, acting under special privileges and immunities, could not have been achieved without the assistance of such powers, better would it have been, in my opinion, far better, sir, that the community should have foregone the good, than purchase it by the surrender, in any instance or particular, of a principle which lies at the foundation of human liberty. No one, sir, can foretell the evil consequences from one such error of legislation. Next day the fatal precedent will plead. The door once open, ambition, selfishness, cupidity, rush in, each widening the breach, and rendering access easier to its successor. But fortunately, sir, we are not driven to the alternative of either foregoing for the future such magnificent projects as [have] heretofore been effected by special legislation, or for the sake of accomplishing them, continuing to grant unequal privileges. It is a propitious omen of success in the great struggle, in which the real democracy of this country are engaged, that monopolies are as hostile to the principles of sound economy, as they are to the fundamental maxims of our political creed. The good, sir, which they effect, might more simply and more certainly be achieved without their aid. They are fetters which restrain the action of the body politic, not motories which increase its speed. They are jesses that hold it to earth, not wings that help it to soar. Our country has prospered, not because of them, but in spite of them. This young and vigorous republic has bounded rapidly forward in despite of the burdens which partial legislation has hung upon its neck, and the clogs it fastened to its heel. But swifter, sir, would have been its progress, sounder its health, more prosperous its general condition, had our law makers kept constantly in view that their imperative duty requires them to exercise their functions for the good of the whole community, not for a handful of obtrusive and grasping individuals, who, under the pretext of promoting the public welfare, were only eager to advance their private interests, at the expense of the equal rights of their fellow

men. Sir, we have been sorrowfully taught the miserable impotence of legislature; it was the fountain from which the waters of bitterness have flowed; let us not then again unseal it, that it may infuse another desolating flood. What, sir, can legislation do? Insult the community by confirming the special privileges of money changers, after their own acts have declared their utter worthlessness? Enable a band of paper money depredators to prey the more voraciously than before on the vitals of the people?

Authorize them to pour out a fresh torrent of their promises, now really of no more value than the paper on which they are written? Will the community tolerate, sir, such an enormous fraud? We are now rid of banks, let us remain so. Let all monopolies be swept from the board! Let the whole gang of privileged money-changers give place to the hardy offspring of commercial and agricultural freedom, who ask for no protection but equal laws, and no exemption from the shocks of boundless competition. Now, sir, is the time for the complete emancipation of banking from legislative thraldom. If this propitious moment is suffered to pass by unimproved, the fetter now riven asunder will be riveted anew and hold us in slavery forever. The choice is presented to us of freedom or perpetual bondage. Let us, by the adoption of the prohibitory clause, alone, prevent the restoration of that cumbrous fabric of legislative fraud and folly, which has destroyed itself, and if raised again, will again topple before the first commercial revulsion, to bury other myriads in its ruins. Sir, if I knew any form of speech that would arrest the attention of this Convention or any mode of argument that would satisfy their reason, that I have not heretofore used, I would employ it now, with all the earnestness of a sincere conviction of the importance of the subject, to persuade them that the only true ground of hope for the enduring prosperity of our agricultural, mechanical, and commercial relations consists in the freedom of trade and the total annihilation of paper money. Sir, the great object that I desire to see accomplished and to the accomplishment of which I think the course of things is obviously tending, is the utter and complete divorcement of politics from the business of banking. I desire, sir, to see banking divorced not only from federal, but from state legislation. Nothing but evil, either in this country

or others, has arisen from their union. The regulation of the currency and the regulation of credit are both affairs of trade. Men want no laws on the subject, except for the punishment of frauds. They want no laws except such as are necessary for the protection of their equal rights.

The question was taken on Mr. CRAIN's amendment and lost.

Mr. HARVEY explained the nature of his report to be in fact a prohibition of banks. It differed from an unqualified prohibition to this extent only. Under his plan—the people at intervals of four years—if they desired banks, and so expressed themselves at the polls, could have them without changing the constitution. Under the other, they would have to go to the expense of a convention to change the constitution, in order to have banks.

Mr. ROBBINS withdrew his amendment.

Mr. ARMSTRONG moved to strike out all the section except the following words—"no banking powers or privileges shall be granted either by general or special acts of incorporation."

And the question being taken thereon, resulted yeas 52, nays 72.

Mr. SHERMAN moved to strike out all the section after the words "no banking powers or privileges shall be granted," and insert the following:

"Except by general laws, which shall be in accordance with the following provisions:

1st. No law shall be passed, sanctioning, in any manner, directly or indirectly, the suspension of specie payments.

2d. Ample security in interest paying stocks of the United States or of the states, shall be deposited with the Treasurer of State, for the redemption in specie of all the bills and notes put in circulation, and no stock shall be received in deposit, as aforesaid, but such as shall be at par value at the time of said deposit, and of such states as shall have regularly and promptly paid their interest for the three years immediately preceding the deposit; and no bills or notes shall be put in circulation by any association but such as are registered and countersigned by the Treasurer of State, to any banking association, and the notes or bills so registered for any banking association; shall not exceed in amount the stocks or bonds deposited by such association: *Provided*, That the

Legislature may also authorize a deposit of the bonds of this state to be made in like manner, for a like redemption of such bills or notes; the amount and value of such bonds being determined by the rate of interest which the state may at the time of such deposit pay on the same; and the amount of such deposit shall be proportionate to the rate *per centum* interest paid thereon.

3d. The Stockholders in every corporation and joint stock association for banking purposes, issuing bank notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

4th. In case of insolvency of any banking association, the bill-holders shall be entitled to preference in payment over all other creditors of such bank or association.

5th. Non-payment of specie shall be a forfeiture of all banking rights and privileges; and the Legislature shall provide for the sale of said stocks deposited, and apply the proceeds thereof, to the redemption of the notes or bills in circulation; and the Legislature shall not have power to remit the forfeiture, or to relieve from any of its consequences; and provision shall be made by law for the trial in a summary way, by judicial tribunals, of all contested questions of forfeiture of banking privileges.

Sec. 4. No corporation or association for banking purposes shall have a capital less than fifty thousand dollars, nor greater than five hundred thousand dollars.

Sec. 5. The embezzlement of the funds or property of any corporation or joint stock association for banking purposes, by any officer or agent thereof, shall be deemed a felony, and it shall be the duty of the General Assembly to provide for the punishment of such felony in the penitentiary.

Sec. 6. This article shall be separately submitted to a vote of the people, and if voted for by a majority of all voting on the question, shall become a part of the constitution."

And the question being first taken on the striking out, it was decided in the affirmative.

Mr. BUTLER offered a substitute (of which we have no copy) for the amendment of Mr. SHERMAN.

Mr. WILLIAMS inquired of the member from Lee if this was the time to vote for prohibition?

Mr. DEMENT: Yes sir; now is the time to put your shoulder to the wheel and call on Hercules.

The question was taken on the substitute, and it was rejected.

Mr. ROBBINS offered his amendment (before withdrawn,) as a substitute; and it was rejected.

The question recurred on Mr. SHERMAN's amendment.

Mr. BROCKMAN opposed it.

Mr. THOMAS despaired of any good banking system, but would not vote for prohibition, because that would, in his opinion, defeat the constitution.

Mr. DEMENT opposed the plan now before them as wild, ambiguous and dangerous.

Mr. DAVIS of Montgomery opposed it also, and after a critical examination of its provisions, pronounced it the most consummate system for swindling purposes that the ingenuity of the Convention could devise.

The question was taken on the amendment, and it was rejected —yeas 46, nays 68.

The section now read as follows: "no banking powers or privileges shall be granted."

Mr. McCALLEN offered as a substitute for what remained of the 4th section, the following:

There shall be a poll opened every four years at the general election in this state, for or against the absolute prohibition of banks; and if a majority voting shall decide against absolute prohibition, the Legislature may authorize the incorporation of a bank, with branches—as hereinafter provided.

Mr. DEMENT moved the committee rise and report the section. Lost—yeas 50, nays 62.

Mr. CALDWELL moved the committee rise and report progress. Lost.

Mr. HOGUE moved to strike out "four years" in the amendment and insert "ten years." Lost.

Mr. MARKLEY offered as a substitute for the amendment pending, to be added to the present section: "And no branch or

agency of any bank in any state in the Union shall be established in the state of Illinois." Yeas 40, nays 73. Lost.

And the amendment was then rejected.

Mr. HARVEY moved to add to 4th section—"by the legislature unless directed by the people of the state as herein directed" —yeas 54, nays 65. Lost.

Mr. LOGAN moved to strike out the 5th and 6th sections of the report. Carried.

Mr. LOGAN moved the committee rise and report the article. Carried.

And the committee rose and reported back to the Convention the report of the committee on Incorporations, and asked a concurrence in the amendments.

Mr. HOGUE moved to lay the report on the table, and that 250 copies thereof with the amendments be printed.

The question was taken thereon—yeas 56, nays 59, and motion was rejected.

And then on motion, the Convention adjourned.

XLVI. WEDNESDAY, AUGUST 4, 1847

The question pending at the adjournment yesterday was on concurring with the amendments of the committee of the whole.

Mr. LOGAN moved, as an amendment to the report, and as a substitute for the amendments of the committee of the whole, the adoption of Mr. SHERMAN'S system, with some slight modifications.

Mr. LOGAN moved the postponement of the whole subject till Monday next.

Mr. SCATES was opposed to the postponement. The committee understood the question before them, and why not vote now? A few days ago, a report came from the committee of the whole on an important subject—the right of suffrage—and there was not time given to breathe, before they demanded a vote.

Mr. SHERMAN was in favor of the postponement. His plan had been misrepresented by the gentleman from Montgomery, and he desired time to answer him, and to explain his plan.

Mr. DEMENT was opposed to any postponement. The question was fully discussed yesterday, and now was the time to vote. The proposition submitted this morning had been examined, and was fresh in the minds of the members; and he could see no reason why we should not vote upon it at once. The member from Cook and his friend from Sangamon, between whom there appeared to be so much good feeling, also desired to postpone. This was a joint production of the gentlemen, and what did they want a postponement for? Because the member from Cook wants a week to prepare a defence of his plan? Yesterday, he said, it would speak for itself—to-day, he desires a week to prepare himself to speak in its favor. The gentleman from Sangamon desires a postponement, no doubt, to rally his friends; to prepare and devise some system of banking, on which he and the tender-footed might unite. He hoped this would not be postponed. We had passed a resolution to adjourn on the 25th of this month,

and if we postponed this matter and took it up again next week, as a new question, much time would be lost in its discussion, and we would never be able to adjourn by that time.

Mr. LOGAN said, that the report of the committee was not the choice of a majority of the Convention; nor did he think anything that could now be presented would meet with approbation. Prohibition could not be carried. He desired to postpone to give time to prepare something on which a majority could unite.

Mr. WEAD said, the reasons given were the best in the world for his voting for an immediate vote on the question. One reason is, that he wants to rally his friends. He has offered us the amendment of the gentleman from Cook, and none other. That has been printed, and read by members, examined and considered, and if the Convention is not ready to vote now, when will they? We are now asked to postpone for further consideration, and for time to rally. Sir, if important arrangements were to have been made, they ought to have been made long ago. These gentlemen ought not—and it was they who did it—to have rushed in such haste to consider the matter yesterday. The gentleman from Cook says his speech was cut off yesterday; well, if he was ready then to speak, why not now? Now is the time for him to give it to us in all its freshness, before it becomes rusty and stale. He would vote against postponement.

Mr. CALDWELL was opposed to postponement. He could see no object in it. He did not know how many were in favor of postponement, but it was evident that if we postponed till Monday next it will come up as a new question, and will have to be discussed over and over again. Are we to have a subject discussed here for days in committee of the whole, and then postpone the voting and the debate for a week? If this was the case, we would not be able to adjourn on the 25th, but may be here till the first of October. He called upon those in favor of finishing the business, and of an early adjournment, to vote against any postponement.

Mr. DAVIS of Montgomery said, the section as it stood was prohibition, and he was ready now to vote to sustain it. He was satisfied with it, and wanted no further consideration.

Mr. FARWELL opposed the postponement.

Mr. ARMSTRONG was opposed to the postponement. He

called upon those in favor of adjourning on the 25th of August to go against postponement. We had sent forth to the world that the Convention would adjourn on that day, and let those who were so clamorous for that measure now come forward and show their hands.

Mr. PINCKNEY was in favor of postponement, in order to give a fair opportunity to the friends of a good system of banking to introduce a system that would be acceptable to the majority.

Mr. WOODSON moved the previous question.

The PRESIDENT said, the effect of the previous question would be to cut off the motion to postpone.

The motion was then withdrawn.

Mr. KITCHELL said, he would not be influenced by party calls. He was opposed to prohibition but would vote against postponement, because he thought the Convention as ready now, as at any time, to vote on the subject.

Mr. BROCKMAN addressed the committee in opposition to postponement.

Mr. HAYES moved to lay the motion to postpone on the table.

The yeas and nays were demanded and ordered. They resulted as follows: yeas 70, nays 62. Carried.

The question recurred on the concurrence with the report of the committee, and

Mr. LOGAN withdrew his amendment.

Mr. WILLIAMS moved to add to the 4th section, as it now stood, the following: "The Legislature shall prohibit, under adequate penalties, the circulation of all bank notes in this state; and all contracts founded upon, and payment made in, such notes shall be void."

Mr. WILLIAMS said, that in order to make the experiment complete, he desired to have nothing in circulation but hard money.

Mr. WHITNEY despaired of a good bank, and would, therefore, go for the exclusion of all paper money, because the people mostly desired a bank in the state for the purpose of excluding from circulation the bank notes of other states. For this reason he enlisted himself under the captain's command of his friend from

Adams, and would, therefore, vote for prohibition of paper money in any shape.

Mr. DEMENT welcomed the gentlemen to the ranks of prohibition, and if they were willing to mount the hard money and prohibition pony, they should have the front seat.

Mr. DAVIS of McLean said, he was in favor of the proposition of the gentleman from Cook, but from the vote just taken on the motion to postpone, it was evident that banks would be prohibited, and for the purpose of making the prohibition effectual he would vote for the amendment of his friend from Adams. He would prefer it, if it made the circulation of bank notes a penitentiary offence.

Mr. LOUDON said, that he felt in good spirits as well as other gentlemen. He would ask the member from Lee if he had any more room on his pony! He felt like taking a ride this morning. He was in favor of a well regulated system of banking, and if he could not get that he would go for a total prohibition of banks, and of paper money, in the state. He announced himself as a member of the guard of the gentleman from Adams.

Mr. GEDDES announced himself as intending to follow the same course.

Mr. SCATES advocated the amendment.

Mr. KNAPP of Jersey was satisfied, from the misrepresentations by the gentleman from Montgomery of the proposition of the gentleman from Cook, and the avidity with which they were swallowed, that no good banking system could be carried in the Convention. He would, therefore, vote for the amendment of the gentleman from Adams. His constituents were in favor of a system of safe banking, but as that could not be obtained he would vote for the exclusion of all paper money in the state. The gentleman from Montgomery could not, with the proposition of the gentleman from Cook in his hand, if he was disposed to do it justice, hold it up to the ridicule of the Convention, and state its provisions so erroneously. He did not desire to speak disrespectfully of the gentleman, but he had not acted fairly.

Mr. DAVIS of Montgomery. Well, sir, if you do not speak respectfully, I will make you do so.

Mr. KNAPP repeated his remarks upon the course of the member from Montgomery.

[Mr. KNAPP: But, sir, I must be permitted to say, that to me it appears impossible that the gentleman, holding in his hand, as he did, the proposition of the gentleman from Cook, should so entirely misunderstand that proposition. The gentleman knew that the use of repudiated bonds could not, under any circumstances, have been contemplated. Sir, the gentleman knew, or should have known, that the proposition contemplated the use of bonds of any kind, only as a collateral security to the creditors in general, and the bill holders in particular, and not as a basis or capital for banking operations. It did contemplate the use of bonds; but their credit, their character and their value, were all distinctly set forth in the proposition itself; and none were to be used but such as had regularly paid their interest, fully and punctually, for the three years preceding the time of making a deposit of the same with such officer of the government as may be designated by law. This proposition, fair and safe as it appears to me, seems not to have found favor with the convention—and I am now convinced, that there is a disposition to dispense with banking altogether.

Sir, I am the more convinced of this when I observe the greedy avidity with which these strange misrepresentations are caught up, and if this be the determination, then, sir, I go for the proposition of the gentleman from Adams. If we are to have no banks of our own, ought we to have and use the paper of the banks of other States, with whose value and solvency, it is impossible for us to have any accurate acquaintance?

Is it not in consequence of using the bank paper of other States that the people will be liable to suffer loss? It certainly can not be in the mere existence of banks, irrespective of their issues, that danger is to be apprehended.

Now, sir, if we are to have no banks of our own, let us prohibit the use of bank paper altogether; this is our only consistent course; let us prohibit its use, and that too by penalties entirely adequate to secure its observance; then, if banks and bank issues be indeed an evil, let us rid ourselves of that evil at once and

effectually; and this, sir, is the position I take. I assume it as my alternative position, believing at the same time, that the people of my county, and as I believe the majority of the people of the entire State are in favor of a system of safe and restricted banking, such an one as we might secure by adopting the proposition which is now before the convention, proposed by the gentleman from Cook, (Mr. SHERMAN.) But if the convention think differently, I for one will bow submissively to their decision, stipulating only, firmly but respectfully, that prohibition shall extend to bank paper as well as banks.

The gentleman from Lee [Mr. DEMENT,] when he opened the debate, declared it was no longer a question of principle. I was sorry to hear the gentleman say so. I had supposed it a question of principle.

Mr. DEMENT. I said it was a question of democratic principle.

Mr. KNAPP. Sir, I supposed it a *democratic* principle of course, if indeed it were a question of principle at all. I supposed that the democratic principle was entire opposition to—

Mr. DEMENT. I do not admit that. My position does not lead to that conclusion. I say there is no fundamental principle of democracy involved in the settlement of this question.

Mr. WILLIAMS. As I have been regularly installed leader, I decide that the gentleman from Lee is right.

Mr. DEMENT. So let it be—

Mr. KNAPP. I know not who is foremost—who is leader; but I am sorry to see the principle abandoned by the gentleman from Lee,—especially as I had been led to suppose from the repeated declarations of gentlemen, that it was a principle of democracy to do away with banking and bank issues altogether.

The gentleman from Brown (Mr. BROCKMAN) on yesterday characterized every system of banking as being anti-democratic; and in his printed speech, has attempted to fortify this position, by extracts from "Mansfield's Political Grammar," "Conventional Debates," &c. &c. Sir, the value of this testimony is very small indeed, when compared with other testimony which the gentleman seems to have strangely overlooked. I mean, the

history of our own government, and our own most eminent statesmen, for the last thirty years.

Does the gentleman know who it was that drew up and supported most ably and successfully the charter of the late National Bank in 1817? And does the gentleman know who it was that drew up, and supported in the Senate of the United States in 1832, the bill or charter providing for its continuance? Does the gentleman know who were its most able and devoted advocates? If the gentleman does not know, he would do well to examine, and he would soon find how much easier it is to assert a position than to prove it true. The first Vice President under General Jackson, then and now, one of the great leaders of democracy, was the author and advocate of the first, and the present Vice President of the United States was the author and advocate of the second, and both were supported by the great leaders of democracy in the United States. Is not this true? Does any gentleman deny it? What, then, becomes of the assertion that every system of banking is anti-democratic? Now, I ask every candid man if it is indeed true that banking is an exclusive whig measure? On the contrary, is it not true that the democratic party have had more power, all over the Union, to control this matter, than the whigs have ever had? And what has been the result? Since the year 1832, when Gen. Jackson vetoed the United States Bank charter, about three-fourths of all the bank charters in all the States of this Union, have been established, whether for good or evil, by State legislatures having large democratic majorities.—There is no denying the truth of this. Facts justify the assertion—and I appeal with perfect confidence to the history of the times. Hence it will be seen that the gentleman from Lee was indeed right when he said that no fundamental principle of democracy was involved in the settlement of this question.

Now, sir, I am willing, as one of the whig party, to bear my reasonable proportion of the odium arising from being favorably inclined towards a safe and well guarded system of banking, if, indeed, any odium can fairly arise from being so inclined; but, sir, I am not willing, and will not bear any more than my just and equitable proportion; and this proportion shall not be fixed by every empty headed declaimer; but by an appeal to facts

—and by the results of this appeal, I am entirely willing to abide.

Sir, I am in favor of a safe and well founded system of banking;—a system which shall, under every possible state of circumstances, keep the bill-holder entirely safe in the use of its notes; and such a system I am quite sure could be established; but, sir, I will never consent to the establishment of any bank in this State, without first submitting the act of its incorporation to the people for their vote. If they adopt it, 'tis well;—if not, I have not a word to say; but will bow, as every good citizen should bow, to the supremacy of public sentiment.

But if this Convention shall insist upon a prohibitory clause, positive and absolute,—then, sir, I fall back upon my alternate position. I will insist upon prohibiting all bank issues as well as banks themselves, as contemplated in the proposition of the gentleman from Adams. Any other course would be a reflection upon either the capacity or integrity of the people of this State.

Who dares say that we possess not the capacity to create, or the integrity to control, as well at least as our neighbors, banking institutions, for our convenience? And inserting a prohibitory clause in our amended constitution would, in my judgment, be as insulting to their intelligence, as it would be distrustful of their integrity.

I confess that I had supposed we might be able to offer for the acceptance of the people, some system that might meet the general wish, and as I believe, the general expectation. I still hope we may yet be able to do so, but from the proceedings of this day and yesterday, I am compelled to admit, that my hopes are mingled with many apprehensions. And if a prohibitory clause, operating alike on banks and bank issues, in any and every form, shall be made a part of this constitution, we shall present to the people of this State an issue, that will most assuredly lead to its inevitable rejection. I hope gentlemen will pause before they insist,—will ponder well the consequences before they place the matter beyond their own control.—It may, or may not be best, ultimately to establish banks in this State; there can be no harm, however, in submitting the question to the people themselves, and in whatever way they may decide, I pledge my own acqui-

escence in that decision, without a question, and without a murmur.][49]

Mr. DAVIS of Montgomery replied. The gentleman from Jersey had expressed his astonishment of his misrepresentations of the system of banking proposed by a member from Cook. He did not know, nor did he care, in what light that member viewed his remarks upon that stock-broker's scheme for swindling. That member also said this Convention gulped all he had said down with great avidity. Now, it was strange that this Convention had not the great wisdom, and power of perception, possesed by the member from Jersey, or as that member thought he had. Mr. D. was no phrenologist, but from what that gentleman had said, he should judge, and it was evident to all, that the bump of self-esteem was strongly developed. Instead of showing up the benefits of this system, he has amused us with a lecture upon his better powers of perception. But it was not strange. He told us, some weeks ago, that he looked for the time when farmers and doctors, &c., not lawyers, would be on the bench of the supreme court, and that they would make good judges. Now, he was a good, scientific, physician: wonder if he will, when he gets there, allow a steam doctor to sit along side of him? Mr. D. then said, that he and his friend from Adams had acted together yesterday, but he was sorry he would have to leave him to-day. That gentleman represents a whig county and a democratic one. The democrats of his county had instructed him to go for prohibition, and he would do it; but it was not democratic doctrine to exclude all banknotes, under penalties, from circulation. They were opposed to the present law, in that respect. But if the democrats here thought the people would sustain them, let them go for it. The whigs could vote for it with safety, as their constituents would understand the vote; but the democrats could not do the same. The whigs risk nothing in this, but the democrats much.

Mr. NORTHCOTT said, he was a whig, but as the gentleman from Montgomery had dropped off the pony, he asked for his seat. He was sent here as a whig. He was objected to by his opponent, because he would have no influence with tender footed democrats,

[49] This speech by Knapp is taken from the *Sangamo Journal*, September 3.

but he was now in the same place as that opponent would be were he here; and desired his place on the pony. He was once a bank man but would now go for prohibition, as a good banking system could not be carried.

Mr. PINCKNEY would vote for prohibition, but it should go in on the largest scale. The total exclusion of all paper money from circulation should be a part of it. The result would be undoubted—the rejection of the constitution.

Mr. SHERMAN said, he would vote for the amendment, not because he believed it could be carried into effect, but because it could do no harm.—There was no power in any state to prevent a man receiving what he thought proper—even a white piece of paper—for his goods or property. The gentleman from Montgomery read the proposition he (Mr. S.) presented to the Convention, and made a great splutter over it. I was surprised that he, a professional man, would make such a statement of its provisions as he did. If he was a mechanic, like him (Mr. S.), the matter would be different; but a lawyer to criticize it as he did, was strange. He read a few words, commented upon them, and then skipped, as a lawyer always does, in order not to meet the question fairly. He would refer him to the fourth section: it provides that, before one dollar is issued, $50,000 must be paid in. When he says there is no specie clause, he says what is not the true interpretation. The clause [provides] that fifty thousand dollars must be paid in in specie-paying bonds, as collateral security. This is the true reading of it. The gentleman from Lee had insinuated that he and the gentleman from Sangamon had made a party arrangement to carry this proposition; but when the gentleman from Adams came to the aid of the member from Lee, he was willing that he should mount the pony, and the member from Lee was willing to mount behind, or even to hold on to the tail. Mr. S. said he cared nothing for banks himself; he could make more money if there were none, and so could men who had means.

Mr. LOGAN said he went most heartily in favor of the amendment of the member from Adams. He favored it in good faith, as an adjunct proposition to prohibition, not as a weight to break it down and defeat the constitution, but as a proper requirement upon prohibition. Mr. L. then made a long statement of the

evils to the state of bank notes from other states being in circulation here.

Mr. ADAMS moved the previous question, and it was seconded.

The question was on the amendment of Mr. WILLIAMS. The yeas and nays being ordered and taken, it was carried—yeas 90, nays 41.

The question being then on concurring with the committee of the whole in their amendments to the report, as just amended by Mr. WILLIAMS,

Mr. CALDWELL asked for a division on the amendment to the first section, (proposed in committee by Mr. SCATES,) and the Convention refused to concur therein—yeas 53, nays 78.

There was no amendment to the 2d section.

The addition of the words, "to be hereafter created," to the 3d section, was concurred in.

The additional section offered by Mr. EDWARDS of Sangamon, and adopted in committee, was rejected—yeas 47, nays 83.

The 4th section was then taken up. The question was on concurring with the committee in striking out all after "granted," and inserting Mr. WILLIAMS' amendment. The yeas and nays were demanded and taken, and the Convention refused to concur—yeas 47, nays 86.

The question then was on concurring with the committee in striking out the two last sections of the report—pending which, the Convention adjourned till 3 o'clock, P. M.

AFTERNOON

Mr. WOODSON moved a call of the Convention—ordered and made.

The question was taken on concurring with the committee in striking out the two last sections of the report, and decided in the negative—yeas 56, nays 69, and the report of the committee on Incorporations stood as when first reported.

Mr. DUNLAP moved to strike out all after the third section and insert the following:

"No act of the legislature granting any special charter of incorporation for banking purposes, nor any general act of incor-

poration for such purposes, shall be in force or of any effect unless the same shall, at the next general election after its passage be submitted to a vote of the people, nor unless a majority of those voting (for and against it) be cast in favor of the act at such election shall vote."

The question was first taken on striking out—and decided in the affirmative—yeas 84.

Mr. DEMENT said, that he sincerely hoped the proposition just offered would be adopted. He had been satisfied for some time, that it would be impossible to engraft in the constitution any prohibitory clause. This proposition was the next best thing to prohibition, and the best we can get. For one, he was willing to cast his vote for it, and not fear the responsibility of the act. Everything that could be done for prohibition had been tried, and he hoped its friends would fall back on this as the next best.

Mr. ARMSTRONG offered a proviso: that said bank should provide for the redemption of its notes in specie at Alton, Quincy and Chicago.

Mr. McCALLEN moved to lay the proviso on the table; and it was laid on the table—yeas 90, nays 40.

Mr. ARCHER said: He would inquire of the gentleman from Morgan, if he designed this amendment as a substitute for the remainder of the report after section third? If so, he hoped the amendment would prevail, after the ride we had taken this morning. The prohibition pony had broken down with us, and when he consented to take the ride on the pony with the gentleman from Adams he thought that gentleman was a skillful reinsman. He had been mistaken. From the unskillful driving of the gentleman from Adams or some other cause, he could hardly tell what, the pony, starting with a fair prospect of success, had broken down and thrown us in the mud. He had intended, if the pony had held out to the end of the race, to move to present the labors of the pony to the people as a separate article.

Mr. HAYES offered the following as an amendment to the proposition:

"Provided, that after a bank charter or banking law shall have been submitted to the people, no other bank charter or

banking law shall be passed by the general assembly, until after the expiration of five years."

Messrs. HARVEY and KITCHELL expressed themselves in favor of the amendment of Mr. DUNLAP.

Mr. WEAD regretted that the question was presented in its present aspect. He never had much confidence in the gentleman from Adams as a leader, but expected more from the foresight and experience of the gentleman from Lee. He never expected to see the gentleman from Lee voting with the whig party on the bank question. But circumstances make strange bed fellows, and it is a matter he could not understand. If any agreement has been made, it is strange the member from Lee would vote for the present plan. What is it? It gives the legislature power to gratify all the applications for private and special acts of incorporation that may be made. The same old system of special legislation. Every year applications will be made, bribes offered, &c., by gentlemen with wealth, who may desire a private bank charter. Was it not sufficient for him, in giving up prohibition, to require them to submit to general laws? Was he obliged to go over body and soul to the other party? Does he give them up all restrictions over private incorporations? If the legislature is to have this power, every feeling of patriotism should dictate that the statute books should not be overcharged with acts of private bank charters. This is a greater power than has been granted by any state in the union that has changed her constitution for years. If the power was to grant general acts, then the friends of prohibition would have some chance. But if passed in its present shape they will be unable to watch all the twistings and turnings of the friends of those private acts. If the gentleman from Lee and his co-adjutor from Adams have made this arrangement, he hoped this house would crush it, and that some regard would be paid to the public interests, and the rights and sentiments of the people would be protected.

Mr. DEMENT was opposed to the amendment of the gentleman from White. He was sorry to have fallen so far from the high place in the opinion of the gentleman from Fulton, as it seemed he had. This proposition does not prevent the member from Fulton to get in what he wants. This, sir, is the best thing,

after prohibition, that can be attained from this Convention, for the interests of the people. Here the law will have to be submitted to the people. Again, at the election for the legislature, the question can be made of bank or no bank, and it will be submitted to the candidates, and they will be elected to carry out the instructions of the people; and again, the charter must be submitted to them for an approval. The people are thus doubly protected. This does not prevent the member from Fulton from getting in anything of which he has the slightest chance. He says that he has lost confidence in me as a leader; well I can't help it. As to voting with the whig party, I will be only glad that they will vote with me, but I am afraid they will not. I will, anyhow, vote for it as the best I can get. The gentleman from Adams did not do us so much harm by mounting our pony. The gentleman from Fulton and myself had run him down and wind-galled him, and I was willing that the gentleman from Adams should mount him. If he got on his neck and was thrown over, we all fell together, and I was not sure, and for all I heard I did not doubt but what the gentleman from Fulton was killed in the fall. I do not understand the purpose as denying general banking, and I am not prepared to say that I am in favor of general banking laws.

Well, allow them to have this bank charter passed—and then at the election we can take a town meeting view of the question, and the gentleman can take hold of their charter, and show up its deformity to the people.

Mr. LOGAN advocated the proposition as a true democratic plan, one based upon true republican doctrine.

Mr. SERVANT would vote for the proposition as a compromise, and styled the gentleman who offered it as the great "Pacificator," and sterling "democrat" of the Convention.

Mr. BROCKMAN opposed it as infinitely worse than the old constitution, as under this five hundred banks might be created.

Mr. FARWELL said, that this plan was the most plausible and fair upon its face, but the basest in its effects that could be devised. It throws the door open to unrestricted banking by the legislature, and all its devastating evils. It was said that the question was left to the people to decide upon having a bank.

He had as much confidence in the intelligence of the people

as any one, but they have been deceived; they have been led off by the glowing pictures of gentlemen before, and that was in the great internal improvement system.

He had said before, and said now, that he had no confidence in the honesty of the legislature, when they are liable to be influenced by banking institutions.

The gentleman from Sangamon says that the doctrine of banking is not confined to the whig party. If there be a difference in the two parties it is on this question of banks. The gentleman from Knox has said on two different occasions that hostility to banks is no principle of the democratic party! Has he read anything? Has it not been inscribed high and brilliantly upon every democratic banner that has floated to the breeze for the last ten years? Has he read the proceedings of the democratic meetings and conventions, for general and county officers? Has it not been published at the head of every democratic paper in the state? Has it not been published in all the democratic text books? He must be ignorant of the history of this state, or he would not venture such assertions.

Mr. McCALLEN advocated the proposition.

Mr. SCATES opposed the amendment and declared himself in favor of prohibition to the last.—He would follow the lead of the gentleman from Lee no longer.

Mr. HAYES withdrew his amendment and moved to strike out the words "for or against be cast," and insert "at such elections." He did this in order that the whole people might have a decision of the question. If this was adopted he would vote for the proposition. He denied that the people of the state required or expected banks at our hands. He defended prohibition as a just principle, as much so as any other restriction upon legislation.

Mr. DAVIS of Montgomery gave a detailed account of the various battles prohibition had gone through under the lead of the gentlemen from Jefferson, Lee and Adams; and commented upon the varied results of the conflicts, and the final doom it was about to receive. He would vote for this, he would vote for anything in preference to the Wall street stock jobber's scheme of the gentleman from Cook, which he hated worse than sin itself.

Mr. WILLIAMS replied to Mr. HAYES, and then gave an account of his progress as commander of the prohibition forces.

Mr. PALMER of Marshall moved the previous question, which was seconded. The question was upon the amendment of Mr. HAYES, and the vote was first taken on striking out. The yeas and nays were ordered, and resulted—yeas 72, nays 60; and then on inserting—yeas 92, nays 40.

Mr. WEAD moved the Convention adjourn.—Lost.

The question then was taken by yeas and nays on inserting the proposition of Mr. DUNLAP as amended, and it was rejected—yeas 66, nays 66.

So the report of the committee on Incorporations remained as first reported—*minus* the three last sections.

Mr. EDWARDS of Madison (by leave) presented the report of the majority of the select committee of twenty-seven on the Judiciary.

Mr. DEMENT presented the minority report of same committee.

Mr. DAWSON (for Mr. MINSHALL) presented a minority report from same committee.

And the reports were laid on the table and 250 copies ordered to be printed.

Mr. DAVIS of Montgomery entered a motion to reconsider the vote rejecting Mr. DUNLAP'S proposition.

Mr. LOGAN entered a motion to reconsider the vote adopting Mr. HAYES' amendment thereto.

And then the Convention adjourned.

Mr. CASEY asked a suspension of the rules to move the rescinding of the latter past of the 17th rule, which requires a motion to reconsider to be laid over; and the rules were suspended and the part of the rule was rescinded.

The question pending was on the motion to reconsider the vote by which Mr. DUNLAP's proposition, as amended, was rejected; and being taken by yeas and nays, was decided in the negative—yeas 61, nays 69.

Mr. LOGAN offered as an amendment to be inserted after section three, the following:

Sec. 4. No corporation for banking purposes shall be permitted to issue bank notes, to an amount exceeding three-fourths the amount of the capital stock actually paid in.

Sec. 5. No such corporation shall be permitted to issue any bank notes unless the same shall have been first countersigned and registered by the Treasurer of this state.

Sec. 6. No such notes shall be issued until such corporation shall deposit with the Treasurer the amount of such notes in stock of the United States, or such of the states as shall, for three years next preceding, have paid the interest on their bonds, *provided*, that the bonds of this state may be received as such deposit, at such proportion of their nominal value as the interest paid by the state on such bonds for the three years immediately preceding such deposite, may bear to six per cent.

Sec. 7. No bank shall be permitted to issue any paper until one-third of the capital stock of said bank shall be paid in in specie.

Sec. 8. In case of insolvency of any bank, the bill-holders shall be entitled to priority in payment.

Sec. 9. Non-payment of specie shall, in all cases, be a forfeiture of the charter, and the Legislature shall have no power to remit said forfeiture.

Sec. 10. No bank shall be established with a less capital than

one hundred and fifty thousand dollars, nor with a greater capital than six hundred thousand dollars.

Mr. GREGG moved to add to the amendment, as an additional section, the following:

"No act of the General Assembly authorizing corporations or associations with banking powers, in pursuance of the foregoing provisions, shall go into effect, or in any manner be in force, unless the same shall be submitted to the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election."

Mr. THOMAS moved to lay the amendment on the table. On which motion the yeas and nays were ordered, and resulted—yeas 46, nays 86.

Mr. LOGAN then withdrew his amendment.

Mr. DEMENT renewed the same with Mr. GREGG's proposed amendment embodied therewith.

Mr. WOODSON moved to add thereto after the words "such election," the words "for or against such act."

Mr. GREGG said: I desire to inquire why it is that gentlemen who, but a day or two since, were loud in their professions of confidence in the people are now unwilling to trust them? What new light has beamed upon their understandings? What new visions have been displayed to their wondering gaze? Not long since certain gentlemen were soundly lectured on account of the restrictions they proposed upon future legislative action. They were told that the people knew how to take care of their own interests—that there was no danger of the adoption of destructive measures as long as the principle of popular supervision was preserved. *Then*, the people were fit to be trusted with everything—there was no limit to their virtue, their intelligence, or their capacity! It was almost treason to place any thing like restrictions in the constitution. The gentleman from Sangamon (Mr. LOGAN) went so far as to challenge members of the Convention to go against the amendment of the gentleman from Morgan, (Mr DUNLAP), and triumphantly asked them if they were willing to deny to the people the privilege of determining for themselves what was calculated to promote their interests. He was fierce in support of that amendment and labored hard to procure its adoption. But

what, sir, was its peculiar way of arriving at the popular sanction? It provided that simply a majority of those voting for and against any banking act passed by the legislature, should be sufficient to give it effect. No majority of the *people* was required. If but a thousand votes were cast upon the subject, a majority of that number would impose upon the state a system of banking. This scheme of popular sanction was all proper and just. It was *exceedingly democratic* to enable a minority to make laws for the majority! Now, sir, I ask you to look at the other side of the picture. The amendment of the gentleman from White (Mr. HAYES) was adopted. It required any banking law, proposed by the legislature, to be sanction[ed] by a *majority of the people* before it could go into effect. This did not suit the gentleman from Sangamon, and those who acted with him. O no! Their confidence in the popular capacity was great, but it did not go quite so far! Anything but a majority for them! The people were wise and honest, but the wisdom was all on the side of the minority! Most admirable consistency! Now these gentlemen oppose any thing that contains the full and unqualified majority principle. They are ready to go for projects falling short of this—for a partial popular sanction, which may embrace only a small minority, and entirely subvert the popular will. Now I desire some explanation of this change of position. I call upon gentlemen to define their *new* position. I inquire why it is that their confidence in the people has so suddenly vanished? Can they tell me what deadly principle of evil exists in a provision requiring the sanction of a majority of the *whole* people to a proposition having the strongest possible bearing upon their interests? For one, I am willing to support almost any proposition which allows *the people of the state* to approve or reject such banking projects as the legislature may submit to their consideration. Any thing for me, is better than entire legislative discretion upon this subject. But I fear that to this complexion it will come at last. Some gentlemen are so strenuous in supporting entire prohibition *when they know it cannot be obtained*, that I am much apprehensive they will contribute largely to aid those who wish to leave banking as an open question, entirely free to legislative action. Are they unable to perceive the result to which their action tends? Can they not

look forward and perceive that if the evils of unrestrained banking are inflicted upon the people of the state, they stand in a position to be in some degree responsible for the existence of those evils? The amendment of the gentleman from Greene (Mr. WOODSON) proposes merely a limited popular sanction for such banking acts as may pass the legislature. It falls short of a submission to the whole people, and I am therefore opposed to it. It of course suits the views of the gentleman from Sangamon, (Mr. LOGAN,) and those who act with him. It comes up to their notions of popular capacity and right, and they will not go beyond it. It will enable a minority of the voters of the state to give law to the majority. For my own part I am opposed to all such projects, and I like to see gentlemen who profess to respect, love, and venerate the people, have consistency enought to be willing to trust them.

Mr. WOODSON advocated his amendment as the only just mode of taking a vote upon the question. Those who did not vote either for or against the proposition of a bank should not be counted as against a bank.

Mr. DAVIS of McLean argued on the same side. He thought it an unjust principle that those who had not a sufficient interest in the question to induce them to vote either way, should be counted against the bill.

Mr. SCATES opposed the amendment as it did not require a majority of the whole people in its favor. It was the old system of unrestricted banking, disguise it as they would. Like the ass in the lion's skin, it perhaps might have passed by undiscovered, when the gentleman from Morgan (Mr. DUNLAP) offered it yesterday, but we heard him (Mr. MCCALLEN) attempt to roar here yesterday, and he was discovered. The member from White, tore off his covering and showed the full length of his auricular organs. To-day the gentleman from Greene is endeavoring to put on his covering again by his amendment, which is but a pretended popular vote.

Mr. HURLBUT was in favor of the amendment as presenting the only just mode of ascertaining the choice of the people.

Mr. KITCHELL said, on yesterday, when the question now under consideration was presented by the gentleman from White, (Mr. HAYES), he found himself voting in the minority, and differ-

ently from most of his political friends, and from many who are striving for the same result as himself. The vote was taken in silence, without discussion; and, at first, seeing the large majority against me, I thought possibly I might have voted wrong, but I have since reflected upon it, and I cannot bring myself to believe that my vote was wrong. As the question now comes up again, it is but proper that I should, briefly, give the reasons of my vote. Sir, I have endeavored in all the proceedings on the bank question to act consistently. I have opposed absolute prohibition, because I am satisfied that such is the wish of my constituents; and in doing so I do not compromise any principle, nor my personal opposition to banks. I seek to represent truly the wishes of my constituents when I know them, and not my own—for I am not a bank man. Some general restrictions I deem absolutely necessary; and the first and all-important one is the one, offered by the gentleman from Morgan, Mr. DUNLAP, requiring the submission of the law creating banks to a direct vote of the people. I have been for this all the time, and I believe my votes will all be found perfectly consistent on the subject. Nor have I been found with the extremes of either party—neither with those for unqualified prohibition, who are mostly of my own party, nor with those who are for leaving the question open and unsettled, so that the Legislature may create and establish, without restraint, any kind of banks, for which I believe most of the whigs are striving. And is it not a little remarkable to observe, on yesterday and to-day, how these extremes have come together; how the most ultra prohibitionists and those who are for no restraint, and no prohibition, are now voting and acting side by side? But, sir, I will recur to the question I rose to speak of, and what is it? The amendment of the gentleman from Cook (Mr. GREGG) embraces a provision (the same offered yesterday by the gentleman from White) requiring a majority of all the votes given at a general election to be in favor of the bank law, or else it should fail—in a word, that those who are careless, who have no opinion, who will not examine the matter, and who will not vote at all, shall be put down as voting against it.

Sir, this is an important principle, and before it is to find a place in our new constitution should be examined. The amend-

ment of the gentleman from Greene (Mr. WOODSON) proposes to let the law stand or fall by the majority voting *for or against it.* and why not leave it so? By what right do we say that all who do not vote at all are against it? It is true that in changing our constitution—our organic law—a majority of all the votes polled for representatives, &c., is required. But the people have been very cautious about changing the constitution, and have required such modes as will secure great deliberation and prudence. A bank law is a far different thing from a constitution. There are some of the eastern states that require an individual to obtain a majority of all the votes given for the office, in order to be elected—that is to say, if there be six candidates for Congress, or Governor, one shall receive more votes than all the other five, to be elected. This is an inconvenient rule, and one not adopted in our state government. We act upon the principle, that in the exercise of the right of suffrage no man is absolutely bound to vote; that it is a duty he may omit, but that if he will not vote, will not participate in the election of officers, and in the powers of government, he must submit, and does submit, to the majority of those that do. This principle is recognized and practiced, I believe, every where else. Why is it proposed on this question alone to set down every man who does not vote at all, as opposed to the law? Are there no other questions of equal importance? Why not say that no judge, no congressman, no Governor, shall be elected without a majority of all the votes in the district or state? That the application of this principle, on this question, will be very acceptable to those who are for entire prohibition, is very likely, for it would certainly go very far towards utter prohibition. But it is unnecessary to engraft this new principle upon our constitution, on this single question.

Let me ask, further, whether this proposition is practicable? It provides that the act of the Legislature creating banks shall be submitted to the people at the next general election, and unless a majority of all the votes given at that election be in favor of the act it shall fail. Pray what votes are to be counted? Those for justices of the peace, for sheriffs, for judges, for what officers? It is not certain that we shall have any state officers to elect at such elections. And how, then, are you to find out how many votes it

will take to be a majority of all the votes at such election? Turn it as you may, and there will be no better criterion to judge of the expression of public opinion, than will be afforded by the vote upon the bank question alone. Mr. President, I was in hopes, yesterday, that the proposition of the gentleman from Morgan would be accepted by the Convention, untrammelled, as a compromise measure upon which a large majority might agree. But, sir, when the amendment of the gentleman from White (and now again proposed) was offered, I did regard it as a death blow to that proposition. I am still more satisfied to-day that that principle will prove fatal to the proposition of leaving the law to the people at all. Sir, from the position of the whole subject now, I cannot form any opinion as to what will be the result of the matter.

Mr. CALDWELL said that upon this question he desired to make a few remarks. He had not occupied much of the time of the Convention since its meeting, nor participated to any extent in the discussions that have taken place. There were many reasons why he had not done so, why he had not participated in the discussions. Sometimes the previous question was called upon to cut off discussion, and also others have been more fortunate in catching the eye and the ear of the speaker, than he had, owing possibly to the better position of their seats. This question of prohibition had not been so fairly before the Convention, upon its real merits, till now; and it was due to himself and his constituents that he should say something upon it, and this, it was evident from what has been said, will be the last opportunity of expressing his views upon the subject. The question of banks was one of the greatest importance to the people, and to their interests. His convictions were entirely against them in any shape or form, and were in favor of a prohibition of them to be engrafted in the constitution, and that was also the conviction and sentiments of his constituents. The gentleman from Richland (Mr. KITCHELL) opposes prohibition, on the ground that it is the democratic doctrine that the people have the right to say at any time whether they will have this or that law, or whether banks shall exist here or shall not. Why, sir, when prohibition was first proposed here in the Convention, it was offered in a form, whereby an alternate proposition of prohibition or not, might be submitted

to the people for their choice and approval. Why did he not then vote to sustain that proposition? Why was that suffered to drop by these gentlemen for the plan now before us? Much has been said here about submitting banks to the people in bills to be passed by future legislatures, and by those who declare themselves in favor of prohibition and opposed to banks: why did they refuse to submit to the people a question of bank or no bank, and the decision thereon to be engrafted in the constitution? Why have they, who talk so much about submitting the question to the people, uniformly voted against a proposition presenting an alternate prohibition to the people, thus showing a manifest want of sincerity in their professions of submitting to the decision of the people. The gentlemen now have declared themselves in favor of this proposition as a compromise. Sir, when this convention first assembled, long before this compromise which has been effected between the gentleman from Lee and the gentleman from Adams—got up in a way I cannot understand, the friends of prohibition were in favor of a compromise, upon the grounds and in the manner he had just stated. When his (Mr. C.'s) convictions pointed him to a certain principle he would consent to no compromise of that principle. The friends of prohibition held it as a correct principle and they could not compromise upon the subject, by voting for a banking system. He was willing to submit it to the people as a proposition to be voted for by them separately, but never to sustain a compromise like the one before us, and which at the time excited his suspicions as to the mode in which it was brought about. When, on the day before yesterday, the gentleman from Lee and the gentleman from Adams commenced the exchange of compliments, and installed each other as leaders of the prohibition party, he could not understand it; but to-day a compromise has been effected by them, which the gentleman from Lee supports, and *how* that was brought about, or what means were resorted to, he confessed he did not know. Sir, we had prohibition in the committee of the whole, and we carried it through like a flash, but as soon as we get back into the house, it is defeated. How this result was brought about, he could not see; whether it was the result of any concert for that purpose by gentlemen, or by accident, he knew not, but such was the fact. Again, as soon as we get out of com-

mittee, prohibition is defeated, and then comes the proposition of the gentleman from Morgan, offered as a compromise, and the gentleman from Lee votes for it, and speaks in its favor. He knew not if any arrangement or concert had been made between gentlemen, but, sir, from what the member from McLean has said, it would appear that there was something rotten in Denmark. Sir, this is strange. That proposition had some ear marks about it, that spoke the source whence it came. It had the stamp of the gentleman from Sangamon upon it; it had his seal and signet upon its features. And this is the proposition which the *friends of prohibition* accept as a compromise!

There had been much said against prohibition as an unjust principle, and doctrines had been advocated and preached here which appeared strange to him. It was denied that there is any principle of right to sustain prohibition. Look, sir, around your wide spread state, look at all the varied and distinct interests of the country, at its manufacturing, commercial, agricultural and other important interests, and he asked what was government established for? Is it not for the purpose of regulating the rights of those interests, and to protect one from the other, to secure each from the power and encroachments of the other? and how was this to be done? By placing proper limits and bounds to the powers and privileges of these respective interests, in relation to the others. What is your bill of rights? which secures men in their lives and liberties, but a restraint upon the government in the exercise of its power over men. What are the exemptions we have placed in the constitution, whereby the property of our people to the amount of one hundred dollars is released from taxation, but a restraint upon the power of wealth and money from destroying the liberties of the poor? and when we propose a prohibition of banks, what is it? We propose nothing but a restraint upon the monied power and influence of the country from establishing institutions here to swallow up the rest. There is a manifest tendency on the part of the money power of the land to become the sole rulers and governors of the different interests of the country, and it was our duty to restrain it. In no way could this be better done than by a prohibition of banks. Mr. C.'s time expired at this moment and he could pursue the subject no longer.

Mr. LOGAN said, it was exceedingly unfortunate that the proposition of the gentleman from Morgan had been in his (Mr. L.'s) hand writing as, after it had been offered and the general feeling was in its favor, and the discussion going on, it was whispered about the room that it was in his hand writing, and that no doubt contributed to its defeat. But it happened not to be his proposition. It was the same as was offered on yesterday by the gentleman from Randolph, (?—see proposition of Mr. ROBBINS, in Wednesdays proceedings) and had been copied from that. Its paternity therefore was entirely democratic. Mr. L. then argued at length in favor of Mr. WOODSON's amendment.

Mr. DEMENT said, he desired to say a few words in reply to what had been said by the gentleman from Gallatin, this morning, in relation to his course on the question of prohibition. Mr. D. came there a friend of prohibition, fought for it long, battled for it in its first, its second, third, fourth and fifth defeat, had presented himself under its banner at every fight, had thrown himself into every breach, and would never desert it until driven from it, and then he only retired with his face to the foe, and took up the next best position. Where, during all these contests, has been the gentleman from Gallatin? He has lain low, secreted in his ambuscade, and has not been heard of till the battle is over. The breast of the enemy has never been bruised by the force of his blows, it has never been pierced by his spear, or an arrow from his bow. He has laid hid in his ambuscade, while the fight was going on, when every arm was needed, and now when we are defeated, he has come out—sneaked out of his hiding place, and has risen a tall warrior in the cause, and his first bow is bent at the bosoms of his friends! His first blow, after his long inaction, is directed against the friends of prohibition. In his disordered imagination, he thinks the friends of that cause have abandoned their principle, when in fact, they have only, after a signal defeat, fallen back upon the next best position. In his disordered imagination—which Mr. D. did not envy—he thinks, and says there is something very suspicious in manoeuvering with the gentleman from Adams. He mistakes a few jocular remarks which passed between us yesterday, made more for the amusement of the

Convention, than any thing else, and he sets it down that there is something wrong between us.

Mr. CALDWELL said, he did not say so.

Mr. DEMENT. Well, he said it was very suspicious. What was our condition? We had fallen from fifty-four or fifty-eight, down to fifty, to forty-nine, then to forty-seven; every day we were becoming less in numbers; at that time, and after a severe contest, in which we were again defeated, the gentleman from Adams came to our aid, and offered us his vote. Reduced in numbers, and though not expecting success, we took him and his vote, and looked for more. That gentleman, however, came to the support of prohibition alone, and we have again been defeated. And this the gentleman says, appears *suspicious*. Mr. D. liked not the man who is always suspicious of his friends, one who will turn upon them instead of the enemy, and draw his bow. And that, too, when he was one who never pulled a trigger in defence of the cause which he says has been deserted for a suspicious compromise. Mr. D. never gave up, he never abandoned his principles, had never gone over to their opponents. He had been disastrously beaten and had been forced to retire. When he was unable to hold his castle or his fortress, he would take up a medium position: if pressed by the enemy, and driven from there, he would take to the log cabin, and occupy that, if he could have no better. Such is not, however, the policy of the gentleman from Gallatin.—He wars upon his friends for so doing; he has risen here, when we are struggling for the next best thing after prohibition, and in a mean pettifogging manner, has alluded to the jocular remarks which have passed between the gentleman from Adams and myself, and has endeavored, by insinuations, to hold me up to the Convention, and to the country, as one deserting my principles and my party, and as making some corrupt bargain with the gentleman from Adams.—Mr. D. said that he would ever stand firm and true to the democratic and republican doctrine. If the member from Adams, or the member from Sangamon, or any of their party come to our aid and vote with us, he would never leave his own party, and turn around and fight them, because those members were on the right side. He had always been in favor of prohibition, from the first to the last. When it was first rejected

by a large majority, he had, in his remarks to the Convention, said that probably a compromise might be made with those of the democratic party who would not vote for it, that might be satisfactory; and an union effected that would answer in case prohibition could not be obtained. He never had heard the gentleman's views before, he had never received any intimation of what they were, and he knew nothing till now of the gentleman's opinions, other than that he was in favor of prohibition.

Mr. D. was in favor of the plan which he had submitted, without the amendment of Mr. WOODSON.—It was true, that it contained a system of banking, but in a most restricted form, and as it required, before any bank charter could become a law, that it should be submitted to the people, and to be approved by a majority of the whole people, it was, in his opinion, very near an effectual prohibition, or was, at least, the nearest thing to prohibition that we had any chance of obtaining.

Mr. HAYES advocated the adoption of the proposition submitted by the gentleman from Lee. He was now, and had been throughout, in favor of prohibition. He was opposed to banks in any shape or form; he looked upon them as an evil of the worst character, and one which we should avoid above all others. But prohibition could not be carried, as the votes of the last few days have clearly shown. What, then, was the best course to follow? Abandon the subject, or leave to the friends of banking a Legislature free to act, to create as many and of what kind of banks it pleased? Or to adopt in the constitution such restrictions as would check the evils of banking, and then depend on the additional clause, that the charter shall be submitted to the whole people for their approval, as a complete check. This was the best we could now expect to obtain. Should we leave the subject open to the Legislature? No one seemed to think this desirable. Then, how could the member from Gallatin reconcile it with his views of the subject to oppose this plan of restrictions upon the Legislature? He could understand the course of the friends of banks, they were consistent. But that policy pursued by some of those who were in favor of prohibition appeared to him very strange. Unless we adopt this amendment of the gentleman from Lee, the whole subject will be left open to the Legislature.

Was the member from Gallatin prepared for that? Mr. H. opposed at much length the amendment offered by the member from Greene, and advocated strenuously the adoption of the principle requiring a majority of the whole people to approve of a bank charter before it can go into operation.

Mr. McCALLEN addressed the Convention in opposition to the whole scheme, but if the same was to be adopted he would vote for the amendment of the gentleman from Greene.

Mr. DAVIS of Massac said, it was not his intention to detain the Convention long; he had but a few remarks to make. He was in favor of the proposition to have the act creating a bank submitted for the approval of the whole people. Prior to his coming here, he thought the whole democratic party was in favor of a total prohibition of banks, that in the party there were none, whatever, to raise their voice against it. When he reached here he found that the party was represented differently upon this floor. He found upon this important question, this question affecting the whole people, that gentlemen entertained views different from those he had anticipated.

Previous to the sitting of this Convention the whole democratic press of the state declared the sentiments of the party to be in favor of prohibition—the democratic meetings at all times, and on all occasions, fulminated their thunder against banks in any and all shapes, the proceedings of their meetings and conventions breathed the same spirit. The great state convention that met here, in this very hall, to nominate a candidate for the highest office in the state, declared they would not support any man for that office unless he declared his hostility to banks. Such, sir, had been the sentiments of the democratic party for years upon this subject. This Convention met, and we find that the friends of prohibition stand here fifty-eight in number—an almost equal number of the same party are found in favor of banks. What was to be done? We have been defeated, must we go over to the other party, yield up our principles and vote for a banking system? Is that the only course left for the friends of prohibition? No, sir. There are those here in favor of prohibition who, when the democratic party is shipwrecked and about to be engulfed in the sea of whiggery, come forward and submit an alternate proposition

to the people, in order that we may present to the people the question of bank or no bank. In order that the whole people may choose in the matter, and decide whether we shall have banks or not. But, sir, this course has not been followed; gentlemen, with exceedingly good management, have directed the question of prohibition differently; they have avoided this alternate plan of submitting the question. The gentleman from Adams has been installed as leader by the gentleman from Lee, and the gentleman from Lee by the member from Adams. They have brought the question before the Convention in a different shape, and in all other ways, save that which the friends of the principle could support. But, sir, their reign has been short. They have been defeated in their management of the cause, and the gentleman from Lee presents us now the amendment before us, as a compromise. A compromise with whom? A compromise with the gentleman from Adams and the gentleman from Sangamon. He complains that the gentleman from Gallatin alluded to this matter. Sir, the other day, when he (Mr. DAVIS) submitted a proposition of his own origin, in relation to the important question of a free and independent judiciary, and the gentlemen from Adams and Sangamon acted with me in its support, it was found *very strange*—by the gentleman from Lee—that I should be found acting with those gentlemen! Sir, there was no concert, no arrangement, no compromise *there!* Yet the gentleman from Lee found it very strange that the whigs were in favor of that proposition.

Mr. DEMENT rose to explain. He said, that as he had no chance to reply to the gentleman, he would say to him and his friend from Gallatin that he had never insinuated there was any compromise. It was evident that the members from Massac and Gallatin were *one*, and that their attack upon him was a joint one. He interrupted the gentleman now, because he would have no chance to reply.

Mr. WILLIAMS said, he would defend him.

Mr. DAVIS resumed. Yes, sir, we are one, the gentleman from Gallatin and myself are acting together upon this question, as we did upon the question of a judiciary. The gentleman says he cannot reply, he need not fear, for Hercules, who is sitting behind me, says he will defend him. The member from Lee says the

gentleman from Gallatin has taken no part heretofore in the discussions, this may be very true, sir, but let any one go to the journals, and they will show that he has acted throughout the whole session of this Convention, with a strict regard to principle; that he has never abandoned his principles upon a single question, but has adhered to them with a pertinacity which Mr. D. was sorry to say had not been so characteristic of the course of some other honorable gentlemen. Mr. D. argued till the expiration of his time, in opposition to the amendment proposed by Mr. WOODSON, and contended that there would never be an expression of the sentiments of the *people* in favor of banks, unless we required a majority of all those voting at the election. This was the only fair, proper and satisfactory mode of ascertaining the popular will.

Mr. SHERMAN suggested to the member from Greene to modify his amendment so as to require a special election upon the subject of approving a bank charter—he would, however, vote for it as it stood.

Mr. DAVIS of Montgomery opposed the whole plan before the Convention.

A motion was made to adjourn, pending which—

Mr. ALLEN (by leave) submitted a report from the committee on the Bill of Rights, which was laid on the table and 200 copies ordered to be printed.

And then the Convention adjourned till 3 P. M.

AFTERNOON

Mr. DEMENT modified his proposition by adding thereto the following:

"The stockholders in every corporation and joint stock associations for banking purposes, issuing bank notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind."

Mr. KNOX addressed the Convention in favor of a good sound specie paying bank, which would facilitate business and lead to develop the resources of the state, and, also, against prohibition.

Mr. THOMAS and EDWARDS of Sangamon both opposed the individual liability clause.

And the question being taken on the amendment of Mr. WOODSON, by yeas and nays, it resulted—yeas 80, nays 57.

Mr. THOMAS moved to strike out the individual liability clause.

Mr. CALDWELL said, that he had been unexpectedly interrupted this morning by the expiration of his time. He felt the remarks he should make and those he had already made, were due both to himself and his convictions. He was sorry that his time was short, for if he had been allowed to continue, the gentleman from Lee would have seen that there was no ground for his complaint against him (Mr. C.) The gentleman's feelings seem to have been wounded by what had been said, but if he (Mr. C.) had been allowed to continue his remarks this morning that gentleman would have seen that his remarks were not intended to apply specially or personally to that member.

Mr. DEMENT asked the gentleman if his remark that the compromise with the gentleman from Adams was suspicious—was a general remark.

Mr. CALDWELL replied, that it was, but if others applied it specially to their case, he could not help it.

Mr. DEMENT again rose, but the cries of order prevented his being heard.

Mr. CALDWELL said, that his time was short and for that reason he had not interrupted the member from Lee when he spoke this morning. The gentleman from Lee said that he (Mr. C.) had not participated in the discussions heretofore in the convention. This was true, and he felt proud to say that he had not participated as others had in discussions, the most of which were frivolous and trifling, and which were continued to purposes and ends to be accomplished without this house. He was an honest man, and what he did and said here was for some legitimate project. He did not arrogate to himself this principle, but such was one reason why he did not participate in the trifling discussions which we have had. Again, there were many who had greater celerity in obtaining the floor than others, and that was perhaps a reason why many had not heretofore spoken. The gentleman regretted that he

(Mr. C.) had not spoken much in the convention, well, sir, the very first effort he made—and it was on a most important subject, the judiciary, the gentleman from Lee rose and attacked him, attacked him in his position and in his argument. Yes, sir, said Mr. C., he regrets that I have not spoken, but he forgets that my very first effort drew upon me an attack from him.

Mr. DEMENT disclaimed, in what he had said on that occasion or reply to Mr. C., any intention to attack him.

Mr. CALDWELL resumed and said, intention or not the gentleman had attacked him on the very first occasion he had addressed the convention, and yet he now says he regrets I have not spoken oftener. Sir, the member from Lee was a leader here of the democratic party, at the commencement of the session, and on all party questions, it was unnecessary for him (Mr. C.) to address the convention, because the leader was always ready to do so, and had an extraordinary facility in getting the floor, and none of the humble members of the party were called upon to speak. The member from Lee complains that my opinions upon this question have never been heard by him, when, sir, has this question been before us, in a shape to be properly discussed? Never, sir, till now. Since it has been, I have endeavored to obtain the floor; on yesterday I tried several times and failed. But, sir, when we had a general discussion upon banking, where was the gentleman from Lee, did he then oppose banking upon principle? Did he show how wrong and unjust were its operations, viewed as a matter of principle? No, sir, he argued it on the grounds of expediency—he considered the question not one of principle, but mere expediency. We act differently. We inquire not into the expediency of any thing which we consider wrong in principle. We look upon the question of prohibition as a matter of principle, but the gentleman differs from us. He says we fight against our friends, that we turn upon our own friends instead of our enemies. Is this so? We are fighting for prohibition yet, and cannot compromise the principle. He is acting with those whom he calls enemies, and is defeating prohibition. We stand firm to our principle, he has gone over to a bank project, and now at the last hour, when deserted by our leader, I have come out among the last of the party to sound the tocsin of alarm. Mr. C. said he

believed that prohibition at this moment stood upon firmer ground than it had at any moment during the session; and if those who were in its favor would rally around it, it could be presented in a shape that could be adopted. Of all the various propositions that had been presented during the convention on the subject of banks, this, contained in the amendment of the gentleman from Lee, was the most objectionable, and the last he could ever vote for. It was really and truly what it had been termed by the member from Montgomery—a Wall street proposition drawn up by stock-jobbers and schemers. It allowed an issue to an amount of three-fourths its capital, while only one-third of the capital was to be in specie. This itself was wrong—was a feature he could never adopt. Moreover the charter granted under it was to be a *constitutional charter*, which could never be repealed or altered. It was worse than the ordinary bank charters, for they could be changed, altered or repealed, but a charter granted under this provision would be above them all. It creates in our state a perpetual banking charter. It creates a powerful and continual money power, which by its influence will control all the interests of the state, and possibly the freedom of our electors. Its effect would be the centralization of the monied influence of the country, and work injuriously upon all its interests. It is based upon nothing real or substantial, its capital is not specie or its equivalent; it is based upon stocks. Let it once become known in the country that a bank may be established in Illinois, based upon a capital consisting of stocks, and, sir, you will have numerous runners and agents from every stock-jobbers' board in the land—scouring our state, dealing out money and using every possible means to secure its adoption by the people. And [is] *this* to be fastened upon us *forever*, by a constitutional charter? Mr. C.'s time here expired.

Mr. DEMENT said, he felt himself obliged to trespass upon the time of the Convention once more, in consequence of what had been said. The gentleman last up had been either misimpressed in relation to the position Mr. D. occupied, or desired to misrepresent him. Mr. D. had not deserted prohibition, he was in favor of it still, and had, as he had stated in the morning, been its consistent advocate. He only abandoned *total* prohibition after a series of defeats, and then took the next best position—restriction. The

gentleman from Gallatin has taken a different course. He has never fought the battle, he has never felt the charge, or returned the thrust. But after the battle has been fought and we defeated, after we have been driven from prohibition to the next best position, and while we are fighting for that, he comes out of his hiding place, and rising like a tall and valiant warrior, as he is, and directs his fire at his friends who are battling for the best they can obtain. Which course is the true one? The gentleman from Gallatin says, that on the occasion of his first speech he was attacked. This was not so; no attack was made upon him. When he said the supreme court, when it held court where there would be but one case to be tried, would become contemptible, he, Mr. D., differed from him, and thought otherwise. He thought the gentleman and the gentleman from Sangamon agreed then in pronouncing the effort to make the supreme court hold a term in each circuit as calculated to bring the court into contempt, and he differed from them in opinion. This was all: and no attack was made upon the gentleman. But it is evident, said Mr. D., from the allusion made by the gentleman to that matter, that he has been treasuring up, in his heart, wrath against the day of wrath. He has carried this in his heart, until that day should arrive when he could get me in opposition, where he could vent his spleen upon me. It has come, and we have seen its workings. Not content, sir, with pouring upon my head the venom he has treasured, you, sir, have come in for a share. He has complained of you, also, because he says that from his seat he cannot succeed in catching your eye, and your ear, and has, therefore, been denied the opportunity of speaking.

Mr. CALDWELL said, he had never complained of the Speaker.

Mr. DEMENT said, well, sir, he says he could not catch your eye, nor your ear; if his complaint is not against you, it is against his seat. The gentleman has said that he thinks prohibition, at this moment, stands upon firmer and surer grounds than at any time during the Convention. How he had come to that conclusion is rather difficult for others to perceive. If he thinks falling from 58 to 50, then to forty odd—decreasing in strength at every vote, any evidence of our position being improved or better, Mr. D. could not agree with him. Mr. D. could not believe that pro-

hibition could be carried after its rejection yesterday by an overwhelming vote; if he thought there was the least chance, he would vote for it. Mr. D. explained the provisions of his amendment not to be a banking system, but a plan of restrictions upon any system that might be adopted. He pointed out the vast difference between it and the plan of Mr. SHERMAN, and advocated its adoption, as the best thing the opponents of banks had any chance of obtaining.

Mr. THOMAS withdrew his motion to strike out the individual liability clause.

Mr. CALDWELL said, the gentleman from Lee had represented him as saying he had offered an alternate prohibition clause. This was not so, he had not offered any such thing. When he spoke of this, he was referring to a proposition that had been introduced by the gentleman from Fulton, (Mr. MARKLEY) and by a member whom he did not now remember.

Mr. ARCHER said he had offered such a proposition.

Mr. CALDWELL said, that it was to the fact that these had been offered, and he had asked the member from Lee why he had not taken up one of those, as a compromise, instead of his present amendment, or the proposition of the gentleman from Morgan.

Mr. DEMENT had no knowledge of the propositions.

Mr. HAYES offered an amendment.

Mr. CALDWELL offered an alternate prohibition section, to be submitted to the people separately, which was accepted as a substitute therefor.

Mr. ADAMS moved the previous question, which was seconded.

The question was then taken, by yeas and nays, on the amendment offered by Mr. HAYES, as modified; and the same was rejected. Yeas 61, nays 76.

The question was then taken on the amendment first proposed by Mr. GREGG, accepted by Mr. DEMENT, and amended by Mr. WOODSON; and the same was adopted. Yeas 127, nays 9.

The question was then taken on the 11th section, (individual liability of stockholders); and the same was adopted. Yeas 109, nays 30.

The question was taken on the balance of the amendment—i. e., the first five sections, and they were rejected. Yeas 34, nays 99.

And the report of the committee on Incorporations as amended and adopted, stood as follows:

SECTION 1. Corporations, not possessing banking powers or privileges, may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws.

SEC. 2. Dues from corporations not possessing banking powers or privileges shall be secured by such individual liabilities of the corporators, or other means, as may be prescribed by law.

SEC. 3. No State bank shall hereafter be created, nor shall the state own, or be liable for, any stock in any corporation or joint stock association for banking purposes, to be hereafter created.

SEC. 4. The stockholders in every corporation and joint stock association for banking pruposes, issuing bank notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

SEC. 5. No act of the General Assembly authorizing corporations or associations with banking powers in pursuance of the foregoing provision, shall go into effect or in any manner be enforced, unless the same shall be submitted to the people at the next general election next succeeding the passage of the same, and be approved by a majority of all votes cast at such election for or against such law.

Mr. SMITH of Macon moved the Convention adjourn. And the Convention adjourned.

The question pending at the adjournment yesterday was on the adoption of the report as amended.

Mr. EDWARDS of Sangamon moved the previous question which was adopted—yeas 65, nays 56.

Mr. SCATES moved a division so as to vote first on the adoption of the last section thereof, and the Convention refused a division of the question.

The question was then taken on the adoption of the article, and it was decided in the affirmative—yeas 96, nays 45.

Mr. HAYES offered an additional section.

The PRESIDENT ruled it out of order.

Mr. HAYES appealed from the decision of the Chair and asked for the reading of his amendment.

Mr. THOMAS objected to its reading.

The question was taken on allowing the amendment to be read and decided in the affirmative—yeas 65, nays 56.

Mr. CASEY begged the gentleman to withdraw his appeal; the chair was certainly correct.

Mr. HAYES withdrew his appeal.

Mr. SERVANT moved the article be referred to the committee on Revision. Carried.

Mr. Z. CASEY moved to take up the report of the committee on the Executive [Legislative?] Department as amended in committee of the whole; and the motion was agreed to.

The first and second sections and the amendments thereto were adopted.

The third section was read, and

Mr. MARKLEY moved to strike out "25" and insert "21" and the same was lost—yeas 41, nays 86.

Mr. SINGLETON offered an amendment; which was adopted.

And then the section was adopted as amended.

Sec. 3. No person shall be a representative who shall not have attained the age of twenty-five years; who shall not be a

citizen of the United States, and an inhabitant of this state; who shall not have resided three years in the state, and within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state; and who, moreover, shall not have paid a state or county tax.

The three following sections were adopted:

Sec. 4. No person shall be a senator who shall not have attained the age of thirty years; who shall not be a citizen of the United States, and an inhabitant of this state; and who shall not have resided five years in the state and one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long created; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state; and shall not, moreover, have paid a state or county tax.

Sec. 5. The senators, at their first session herein provided for, shall be divided by lot from their respective counties or districts, as near as can be, into two classes. The seats of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year; so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

Sec. 6. The Senate shall consist of twenty-five members, and the House of Representatives shall consist of seventy-five members, until the population of the state shall amount to one million of souls, when five members may be added to the House, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred; after which, the number shall neither be increased nor diminished; to be apportioned among the several counties. In all future apportionments, where more than one county shall be thrown into a representative district, all the representatives

to which said counties may be entitled, shall be elected by the entire district; and until there shall be a new apportionment of senators and representatives, the state shall be divided into senatorial and representative districts; and the senators and representatives shall be apportioned among the several districts as follows, viz:

The following sections, after various amendments, were adopted, as follows:

Sec. 7. The first session of the General Assembly shall commence on the first Monday of January, one thousand eight hundred and forty-nine; and forever after, the General Assembly shall meet on the first Monday in January next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

Sec. 8. The Senate and House of Representatives, when assembled, shall each choose a speaker and other officers. Each House shall judge of the qualifications and elections of its members, and sit upon its own adjournments. Two-thirds of each House shall constitute a quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 9. Each House shall keep a journal of its proceedings, and publish them. The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

Sec. 10. Any two members of either House shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reasons of their dissent entered on the journals.

Sec. 11. Each House may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same cause; and the reason for such expulsion shall be entered upon the journal, with the names of the members voting for the same.

Sec. 12. When vacancies shall happen in either House, the Governor, or the person exercising the power of Governor, shall issue writs of election to fill such vacancies.

Sec. 13. Senators and representatives shall, in all cases,

except treason, felony or breach of the peace, be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Sec. 14. Each House may punish, by imprisonment during its session, any person, not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not at any one time exceed twenty-four hours.

Sec. 15. The doors of each House and of committees of the whole shall be kept open, except in such cases as, in the opinion of the House, require secrecy. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 16. Bills may originate in either House, but may be altered, amended, or rejected by the other; and on the final passage of all bills, the vote shall be by ayes and noes, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of all the members elect in each house.

Section 17 as reported was stricken out and the following was substituted therefor:

"Bills making appropriations for the pay of the members and officers of the General Assembly, and for the salaries of the officers of the government as fixed by the constitution, shall not contain any provisions on any other subject."

Leave of absence was granted to Messrs. ARCHER, PINCKNEY, and KINNEY of Bureau, for eight days.

And the Convention adjourned till 3 P. M.

AFTERNOON

Leave of absence for eight days was granted to Mr. DUMMER.

The Convention resumed the consideration of the business before it in the morning.

Section 18 was read, and after various amendments by Messrs. SHUMWAY, PETERS and others, was adopted as follows:

Sec. 18. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is so depending shall deem it expedient to dispense

with this rule; and every bill, having passed both Houses, shall be signed by the speakers of their respective Houses; and no private or local law which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title. And no public act of the General Assembly, shall take effect or be in force until after the expiration of sixty days from the end of the session at which the same may be passed, unless, in case of emergency, the Legislature shall otherwise direct.

Messrs. SIM and KENNER offered additional amendments, which were rejected.

Section nineteen was adopted as follows:

Sec. 19. The style of the laws of this state shall be:—"Be it enacted by the People of the State of Illinois, represented in the General Assembly."

To section twenty eighteen motions to amend were made, and the yeas and nays were taken seven times; and the section was adopted as reported—yeas 93, nays 35.

Mr. VANCE moved to insert the following, as an additional section:

"After the year 1860, the Legislature may raise the per diem pay of members to any sum not over $3 per day;" and the same was rejected.

The twenty-first section was adopted, as follows:

Sec. 21. The per diem and mileage allowed to each member of the Legislature shall be certified by the speakers of their respective houses, and entered on the journals and published at the close of the session.

The twenty-second section was adopted, as follows:

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws at the rising of each session of the General Assembly. And no person, who has been or may be a collector or holder of public moneys shall be eligible to a seat in either house of the General Assembly, nor be elected to any office of profit or trust in this state, until such person shall have accounted for, and paid into the treasury, all sums, for which he may be accountable.

Sec. 23. No senator or representative shall, during the time for which he shall have been elected, or during one year after the expiration thereof, be appointed or elected to any civil office, or place of trust, under this state, which shall have been created, or the emoluments of which shall have been increased, during such time.

Mr. AKIN moved to add to it: "Nor shall any member of this Convention be eligible to any office created by this constitution at the first election after its ratification."

Mr. EDWARDS of Sangamon offered the following, as a substitute thereof:

"No person elected to the Legislature shall receive any civil appointment within this state, or to the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, during the term for which he shall have been elected; and all such appointments and all votes given for any such member, for any such office or appointments shall be void."

Mr. EDWARDS supported the amendment with some remarks, and was replied to by

Mr. SCATES who doubted its constitutionality.

The Convention, without taking the question, adjourned till to-morrow at 8 o'clock.

Mr. WEST moved to suspend the rules to enable him to offer the following preamble and resolutions. And the rules were unanimously suspended.

WHEREAS, we have just learned with deep and poignant regret of the death of Captain FRANKLIN NILES, of the 5th regiment of Illinois volunteers, which occurred on the 24th day of July last, whilst on his way to Mexico, in command of a company of volunteers from Madison county; therefore,

Resolved, That we sincerely mourn and deeply regret the death of our fellow-citizen, Capt. FRANKLIN NILES, of the 5th regiment Illinois volunteers.

Resolved, That in the death of Capt. NILES, the volunteer army of the United States has sustained the loss of a brave and accomplished officer; our state one of its noblest and deserving sons; and the community one of its brightest ornaments, and his family and friends one who was endeared to them by every feeling and sentiment of love and esteem.

Resolved, That we cordially sympathize with the 5th regiment of Illinois volunteers, and the company under his command, and with the friends and family of the deceased, who, by this afflicting dispensation of Almighty God, have sustained a loss which neither the honors of the world, or the sympathies of friends, can deprive of its bitterness.

Resolved, That the Secretary furnish a copy of the above resolutions to the 5th regiment Illinois volunteers, and the family of the deceased.

Mr. WEST accompanied the presentation of the above with some exceedingly chaste and appropriate remarks, in relation to the virtue and manly patriotism of the deceased.[50]

And the preamble and resolutions were unanimously adopted.

[50] This eulogy by West may be found in the *Sangamo Journal*, August 12.

The question pending was on the adoption of the substitute proposed by Mr. EDWARDS of Sangamon for the amendment of Mr. AKIN to the twenty-third section of the report of the Legislative committee.

Messrs. EDWARDS of Sangamon, HARVEY, WILLIAMS, WHITESIDE, HURLBUT and PETERS advocated the adoption of the substitute, and Messrs FARWELL and PRATT opposed it.

The question was taken thereon and it was adopted—yeas 90, nays 29.

Mr. LOCKWOOD moved to add to the section the following:

"Nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the time for which he shall have been elected, or during one year after the expiration thereof."

Mr. AKIN offered the amendment presented, yesterday, as a substitute therefor.

Mr. CONSTABLE moved to lay the substitute on the table.

The yeas and nays were ordered thereon, and the substitute was laid on the table—yeas 81, nays 41.

The question recurred on the amendment of Mr. LOCKWOOD, and it was adopted.

Mr. PRATT moved to add to the section: "All persons elected by the people of this state to any office whatever, shall, if the same be accepted, be ineligible to any other office in the state during the period for which they shall have been elected."

Mr. FARWELL advocated the adoption of the amendment, as carrying out the principles contained in the amendment of Mr. EDWARDS, adopted this morning.

Mr. KNOWLTON moved to lay the amendment on the table.

And the section was then adopted.

Sec. 24. The House of Representatives shall have the sole power of impeaching; but a majority of all the members elected must concur in an impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose, the senators shall be upon oath, or affirmation, to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of all the senators elected.

Mr. CALDWELL moved to add to the section the following: "the General Assembly shall be forever prohibited from passing any private, special or general acts, renewing, extending or in any wise creating or authorizing the exercise of banking powers and privileges: "*Provided*, that the foregoing section shall be submitted as a separate question to the people, and if the same be adopted by a majority of the votes cast for and against the constitution, then the same shall become a part of this constitution, and supersede all other provisions to the contrary.

Mr. SMITH of Macon moved to lay the same on the table.

Mr. CALDWELL demanded the yeas and nays, and they were ordered.

Mr. CALDWELL moved a call of the Convention; which was ordered and made.

The question was taken by yeas and nays, and decided in the negative—yeas 65, nays 66.

Mr. GEDDES moved to add to the amendment, before the proviso: "The Legislature shall pass laws imposing adequate penalties on the circulation of the paper of banks located out of this state, and making void all contracts, the consideration of which is the paper of such banks, and all payments made in the notes of such bank."

Mr. SCATES thought the amendment of the gentleman from Hancock (Mr. GEDDES) just and correct in principle, but under the circumstances he would vote against it. A few days ago the question of prohibition was before the Convention, but their new leader brought in this feature, as an amendment to it. He and others had been caught by it, and voted for it, and then prohibition was defeated. He hoped the friends of prohibition would vote down this measure, and have a full and direct vote upon the question of prohibition, upon its real merits.

Mr. CALDWELL said, he, too, had voted for the amendment now proposed when offered a day or two ago by the gentleman from Adams, but now he would vote against it. It contained principles that he thought just in themselves, but there were many friends of prohibition who could not vote for it with this amendment hanging upon it. He had voted for it in good faith

then, but now would oppose it, as there was a sentiment in the Convention against it.

Mr. TURNBULL was opposed to prohibition, but this amendment was a proper accompaniment to that principle; therefore, he would vote for it, and then vote against the whole.

Mr. EDWARDS of Sangamon moved to lay the whole subject on the table.

The PRESIDENT said the motion was out of order. The Convention had just refused to lay the proposition on the table; a motion to lay the amendment to the amendment on the table, would be in order.

Mr. PALMER of Macoupin said, the friends of prohibition were desirous to present to the people the naked question of bank or no bank, and he hoped it would be allowed to be done. The bank party had expressed their willingness to do this; but they desire now to clog the proposition with this amendment. Where are all their professions in favor of submitting the question to the people? Did they ever feel willing to do so? If so, let them come forward now, and show the sincerity of their professions, and vote for submitting this question unencumbered with other propositions. Let them present us with the naked question of bank or no bank.

Mr. EDWARDS of Sangamon moved to refer the whole subject to the committee on Incorporations.

Mr. ADAMS advocated the reference of the subject to the committee, and then branching out into the merits of the amendment, was called to order.

Mr. KINNEY of St. Clair moved the previous question.

Mr. DEMENT opposed the previous question. He wanted a test vote upon the subject. He would vote against the amendment.

Mr. CHURCH pointed out that, in its present shape, the section providing for the trial of impeachments must be submitted with the prohibitory clause.

The question being taken, the previous question was not ordered—yeas 53, nays 65.

The question then recurred on referring the subject to the committee.

Mr. WOODSON hoped the reference would be made. By referring it we could economize time.

[Mr. WOODSON remarked,[51] that the question was now upon the reference of this proposition to the committee on incorporations. The gentleman from Macoupin was, perhaps, not aware that the question had been settled, that any act which might be passed by the legislature, should be referred to the people for sanction or rejection; and, such being the case, he had supposed that the gentleman would have been content to let it remain as it was. If the question of prohibition was still pending, he would have no objection that it should be referred; but inasmuch as so much time had been consumed upon it, and a decision had been arrived at by the convention, he thought it could serve no good purpose to continue to agitate the question. If there had been an expression of the sense of the convention in regard to the subject at all, it was unmistakably in favor of the proposition which had already been adopted, to the exclusion of all others. He was a restrictionist, though not a prohibitionist, and as restriction—

Mr. Woodson was reminded by the President that it was not in order to debate the merits of the proposition, pending a question of reference.

Mr. WOODSON said he was speaking to the question of reference; he was remarking that restriction had been adopted, and in the most proper and respectful mode in which it could be adopted. When an act was passed by the legislature, it was to be submitted to the people for sanction or rejection by them; could there be a more respectful course than this taken by the convention? It was more respectful towards the people than it would be to refer to them the question of prohibition or no prohibition; and in case the people should be against prohibition, then to leave it open to the legislature—

[Mr. Woodson was again called to order.]

Why should this proposition be referred at this late stage of the proceeding? It could answer no good purpose; it could only serve to consume the time of the convention, which they ought by every practicable means to economize.]

[51] This speech by Woodson is taken from the *Sangamo Journal*, August 24.

Mr. FARWELL believed the matter ought not to be referred to the committee, because those who are in favor of submitting the question to the people can expect nothing from that committee, who have determined that the people shall have nothing to say on the subject. If referred to them, it will never be heard of again. Here, Mr. F. was called to order by the President.

Mr. F. proceeded again for a few minutes, and was called to order for irrelevancy.

Mr. F. commenced four additional times to proceed, but, after a few words each time, was called to order on the same ground.

Mr. F., still standing, was about to proceed the seventh time, when

Mr. EDWARDS of Sangamon insisted that a member when called to order should take his seat.

Mr. F. said he would sit down.

The PRESIDENT said, the gentleman had been out of order; that nothing could be discussed but the question of reference, and that only.

Mr. FARWELL was about to proceed, when

Mr. KENNER raised a point of order, that the gentleman had spoken *before*—that is, had taken his seat.

The PRESIDENT overruled the point of order.

Mr. FARWELL again proceeded, for about one minute, in opposition to the reference, because the amendment was only intended to break down the question of prohibition. Cries of "order" from all parts of the hall.

Mr. GREGG moved that the Convention adjourn till Monday, to enable the districting committee of twenty-seven to close their labors. And the motion was agreed to.

L. MONDAY, AUGUST 9, 1847

The President being absent, Mr. Z. CASEY took the chair.

Prayer by Rev. Mr. PALMER of Marshall.

The question pending at the adjournment on Saturday, was on the motion to refer the amendment of Mr. CALDWELL, together with the amendment thereto, to the committee on Incorporations.

Mr. ECCLES moved a call of the convention, and the same was ordered.

After the list had been gone through with, and no quorum appeared, the doors were closed.

Mr. ROMAN moved that leave of absence be given to Mr. KINNEY of St. Clair, for eight days, and leave of absence for eight days was granted to Messrs. WOODSON, CHOATE, EVEY, JENKINS and J. M. DAVIS.

Messrs. DALE, CAMPBELL of Jo Daviess, GREEN of Tazewell, and SINGLETON were excused on account of sickness. The following gentlemen absent were not excused: BALLINGALL, BOND, CONSTABLE, EDWARDS of Madison, LOGAN, NORTHCOTT, PETERS and the PRESIDENT.

A quorum having appeared, the convention resumed its business.

Mr. EDWARDS of Sangamon urged the reference to the committee on Incorporations.

Mr. CALDWELL opposed the reference to the committee on Incorporations; he preferred a direct vote upon the question.

Mr. CONSTABLE was in favor of the proposition offered by the member from Gallatin, but he thought it out of place in the section to which it was proposed to attach it. He suggested its reference to a select committee of its friends. Indeed, it was an established rule, that a proposition should not be referred to a committee known to be opposed to it.

Mr. SCATES raised a point of order, whether the motion to refer an amendment did not carry with it the whole subject.

The CHAIR said such was his opinion and he would so decide. were it not the president had uniformly decided otherwise, and he would follow his decision.

Mr. CALDWELL moved that the amendment and the amendment thereto, be referred to a select committee.

Mr. SCATES appealed from the decision of the chair.

Mr. DAVIS of McLean raised a point of order, whether the amendment was in order at the time it was offered on Saturday.

The CHAIR decided that he knew nothing of that matter. It had been received by the president, and had been decided by him to be in order. Therefore, the present occupant of the chair would decide the amendment to have been in order.

Mr. DAVIS of McLean appealed from the decision of the chair.

Mr. SCATES withdrew his appeal, and Mr. DAVIS did the same.

The question recurring on the motion to refer,

Mr. PALMER of Macoupin asked a division of the question so as to first vote on referring the amendment of Mr. GEDDES. Objected to; and the vote being taken the convention refused to divide the question.

Mr. SINGLETON opposed the motion to refer the question to the committee. This question had been discussed; we were all fully prepared to vote upon it, and he hoped it would be settled at once. He desired a direct vote, and did not approve of the movements to evade it.

The question was taken on referring the subject to the committee on Incorporations, by yeas and nays, and decided in the negative—yeas 63, nays 77.

The question was then taken, by yeas and nays, on referring the amendments to a select committee of nine, and decided in the affirmative—yeas 71, nays 67.

The section then stood as reported.

Mr. MARKLEY moved to add to it an amendment, providing a power to repeal all charters, &c.

Mr. EDWARDS of Sangamon raised a point of order, "was the amendment relevant to the section."

The CHAIR decided its irrelevancy was a question for the

convention, good ground for the body to reject it, but not a question for him to decide.

Mr. DAVIS of McLean appealed.

After a short debate the amendment was withdrawn.

Mr. EDWARDS of Sangamon moved to reconsider the vote referring the subject to a select committee.

Mr. DEMENT advocated the reconsideration; the present was as good as any other time to decide the question. He hoped the convention would take a direct vote on the subject.

Mr. CONSTABLE said the friends of prohibition seem desirous to force this question upon us at this moment, and he would vote for the reconsideration. He was in favor of the proposition and had voted for its reference as the best mode of advancing it. But as some were not disposed to be satisfied with well enough, he would vote to reconsider and then vote against the whole.

Mr. CALDWELL hoped the vote to reconsider would not prevail. There were many who were not satisfied with its present phraseology, and in committee this difficulty might be obviated.

Mr. PALMER opposed the reconsideration on the same grounds.

Mr. SHERMAN hoped it would be reconsidered, and the question met fairly now.

The question on reconsideration was taken and decided in the affirmative—yeas 69, nays 56.

Mr. CALDWELL withdrew his original proposition and offered the following:

SEC. —. The general assembly shall be forever prohibited from passing any private, special, or general law, renewing, extending or in anywise creating or authorizing the exercise of banking powers or privileges within this state. Provided, that this clause be submitted as a separate section to the people at the election held for the adoption of this constitution; and if such clause as a separate section be adopted by a majority of the votes cast for and against it, then the same shall become a part of this constitution, and supersede all provisions in this constitution to the contrary, otherwise to be void.

Mr. CALDWELL moved the previous question.

Messrs. WILLIAMS and DEMENT opposed the previous question.

Mr. CALDWELL advocated it.

Mr. McCALLEN opposed it.

And the convention refused to order the main question—yeas 65, nays 74.

Mr. GEDDES renewed his amendment.

Mr. ADAMS moved the previous question; which was ordered; when,

Mr. CALDWELL withdrew his amendment.

The question was then taken on the adoption of the 23d section, and it was adopted.

Mr. WILLIAMS offered an amendment, containing the substance of Mr. CALDWELL'S and Mr. GEDDES' amendments embodied in one.

Mr. HAYES offered the following as a substitute therefor:

"The question of banking shall be submitted to the people, when they shall vote on the adoption of this constitution, and if a majority of those voting on the question shall vote for banking, then the general assembly may pass banking laws under the restrictions contained in this constitution, but if the majority voting on the question, shall not vote for banking, then no person, corporation or association of persons shall be allowed to manufacture or emit any paper intended to circulate as paper money."

And the vote being taken thereon, by yeas and nays, it was rejected—yeas 60, nays 80.

A motion was made to adjourn, and it was rejected.

Mr. CALDWELL moved as a substitute for the amendment of Mr. WILLIAMS, his own proposition (before withdrawn) and the amendment thereto, offered by Mr. GEDDES, with a proviso to the latter, that *it* should be submitted as a section separate from the constitution, and from his prohibitory section.

Mr. SHIELDS moved the Convention adjourn till 3 P. M. Lost.

Mr. CONSTABLE moved the previous question; which was ordered.

And the question recurring on the substitute it was rejected—yeas 56, nays 85.

The question recurring on the amendment of Mr. WILLIAMS,

Mr. CALDWELL called for a division of the question, so as to vote first on the prohibitory part. And the Convention refused to divide the question.

The amendment was then rejected—yeas 68, nays 72.

And then, on motion, the Convention adjourned.

[Mr. CALDWELL alluded[52] to the various objections which had been urged against this amendment, and against the propriety of referring it to the committee; first, that it occupied the wrong place; next, that it had no application to the subject which it proposed to amend, and that it ought therefore to be disconnected with it. Now, said Mr. Caldwell, what is the subject under investigation at this time as embodied in this report? Why, it is but one single subject, and that is the subject of legislative power; that is the subject embraced in this section. It is a limitation on legislative power, in a particular mode; conferring power upon the legislature under certain limitations. I am not so familiar with the forms of legislation as the gentleman from Sangamon, but I am satisfied that it is in the right place; however, as to the place it shall occupy, I am not at all tenacious. Now, suppose the section should be adopted, why it will all be referred to the committee on revision, and they can detach it if they please from the body of this article and give it the form of a distinct article. The very object of the constitution of that committee is for the purpose of revising and arranging the sections. The proposition is of itself separate and distinct. But the gentleman says, it is not in order to submit an additional section. I do not know how that is, but I think it is proper to submit a distinct proposition; so far as that objection is concerned, it amounts to nothing at all. The committee on revision can set it right; and in addition to that, we hold a similar proposition before the committee on the legislative department; they did not think proper to act on it, and if it be now referred to the committee, I shall consider it a defeat of the proposition. This, I take it, will be the effect of reference. It is well known what the sentiments of that committee are. It will never be reported back.

[52] This fuller account of the remarks by Caldwell, Constable, Pratt, Singleton, and others is taken from the *Sangamo Journal*, August 24.

Mr. CONSTABLE said, although perfectly willing to vote for a proposition of this kind separately and distinctly, and although in so voting, he should vote the sentiments which he sincerely entertained; yet, he could not consent to place this subject in connection with the subject contained in the legislative report as it now stood. It was a subject which would have to be explained; it was a subject which would not be understood by the casual observer. Had the gentleman from Gallatin presented, in a separate report, the reasons for the introduction of this section, or had he introduced it as a distinct section of this report, there might have been some propriety in thus submitting it; and in the remarks which he had made concerning the propriety of providing for the impeachment of derelict officers, but he could not exactly see the propriety of introducing it in this place. But in voting for the reference, he did not do so for the purpose of defeating the proposition, although the gentleman might suppose that that was the design of those who voted for its reference. The gentleman might select some other committee if he pleased. He was in favor of the reference for the purpose of having the subject presented in a proper shape and in a proper place, in order that the sense of the convention might be taken upon it, in such a manner as not to involve it in any doubt. He thought that it was proper to refer the proposition, unless the gentleman would consent to withdraw it, and submit it at some other time. He would add, that he did not think that the committee on Incorporations was the committee to which it should be sent, as that committee had already considered the subject, and reported unfavorably upon it; and he believed it was a parliamentary rule, that a measure was entitled to a reference to its friends.

Mr. SINGLETON said, he should vote against referring the proposition to the committee, not because he was in favor of the proposition, but because he was anxious to dispose of it. If it were referred to the committee, it would be their duty to make a report. He was opposed to this method of evading the question. He desired to see it fairly met and disposed of.

The question was taken on referring the subject to the committee on Incorporations, by yeas and nays, and decided in the negative—yeas 63, nays 77.

The question was then taken, by yeas and nays, on referring amendments to a select committee of nine, and decided in the affirmative—yeas 71, nays 67.

Mr. CONSTABLE said, that as a friend of the proposition which had been adopted, he would vote for the reconsideration; and then, against every proposition to amend it. Mr. CALDWELL was opposed to the reconsideration of this vote. The proposition had been offered by him in a spirit of compromise, with a view of placing it in such form and place as would render it free from objection.

Mr. SHERMAN was in favor of reconsideration. He was anxious to have a direct vote upon the proposition, so that the question might be definitely settled.

The question being taken on motion to reconsider the vote, it was, upon a division, decided in the affirmative.

Mr. GEDDES moved to amend the amendment by inserting the following immediately after the proviso:

"The legislature shall pass laws imposing adequate penalties on the circulation of paper of banks, located out of the State; and making void all contracts, the consideration of which is the paper of such banks, and all payments made in the notes of such banks."

Mr. CONSTABLE observed that from the situation in which the matter now stood, the Convention would perceive that the submission was not a submission of the simple question of banking, but also of the mode of impeachment. The people would not have an opportunity of voting upon the question of banking as a distinct question; they would have to vote also on the question as to the manner in which impeachments shall be conducted. If one of these questions should be rejected, the other must be rejected also.

Mr. PRATT asked for the reading of the amendments, together with the original proposition. [They were read.] He would prefer having these propositions, he said, separate and distinct; it seemed, however, not to have been their fortune to have them so presented. The gentleman from Wabash, though in favor of the proposition of the gentleman from Gallatin, yet he would not sustain the proposition in the connection in which it stood. The proposition contemplated submitting the clause and not the section.

The proposition, at the suggestion of Mr. CONSTABLE, was again read; and it was modified by the mover.

It seems to me, said Mr. PRATT, that by the proposition as now modified, the objections of the gentleman from Wabash will be obviated. I do not propose to detain the convention with any discussion in relation to the subject of banking. I only desire to say this;—when the resolution was offered by me in the early stage of the proceedings contemplating prohibition, a great many gentlemen who professed to be against banks, were unwilling to have prohibition placed in the constitution for the reason as they then assigned that it would endanger the constitution itself; though they were entirely willing to support a proposition to be submitted as a separate section and thus permit the popular voice to be expressed upon the subject, and believing as they did, that we were not sufficiently instructed on the subject previous to coming here. I thought, sir, there was plausibility in this, but it seems the gentlemen were not sincere in making the proposition; it seems that there was some hidden reason for taking this course. The question is now presented in such a shape. Gentlemen still dodge the question. I here undertake to say that I believe, and I have no doubt the friends of prohibition will concur in that belief, that a large share of those who voted with us were unwilling to appeal to the popular judgment; they were fearful that if the question were to go before the people, they might speak in tones of rebuke, condemning their action. If I am not mistaken in this, gentlemen will come out, and show by their votes that their professions at that time were sincere. As to the motion of the gentleman from Hancock, I regret that it has been thrown in for the purpose of embarrassing the main proposition; but I will go for the amendment, for I am one of those who wish to see in this State a constitutional currency—a currency which will conform to the currency of the world, gold and silver. I would like to see the proposition of the gentleman from Hancock left to legislative action hereafter; yet I shall go for the amendment for the purpose of testing the votes of those who throw in the proposition for the purpose of embarrassing the action of the Convention, and let them show what they will do with the bantling, as they have shaped it;

and I will undertake to say that they will vote for the proposition as amended.

One thing more, sir. It looked rather strange this morning when we had come to the conclusion that it should go to a committee of nine, who should be required to determine the naked questions thus presented; and when gentlemen succeeded in the motion for reconsideration, professing by their votes that they wished the previous question to be put to the convention, that they should then wheel right about in five minutes, and vote against the previous question. Does not this look like insincerity? Does it not look as if they are unwilling to vote on the question nakedly and separately? When the question of prohibition was before us, they voted against prohibition. They were then willing to make it an alternative proposition,—to submit the alternative proposition of restricted banking or prohibition to the people and let them decide between the two. From this position they seem to have retreated. They seem now to be unwilling to leave the matter to be decided by the popular voice. They seem to have gathered strength, and to have determined that the people shall have nothing to do with it whatever.

I believe it will be conceded on all hands, that the bane of this country has been in an agitated condition of its pecuniary affairs, an unsettled state of the currency. Within the last five years, however, since this matter has been somewhat quieted, we have begun to prosper—prosperity has begun to exhibit itself—and yet gentlemen by their actions seem willing to protract their agitation of this question. They are unwilling to adopt a permanent and settled system, and they are unwilling to trust the people on this question of currency—and they are indisposed, as they say, to tie up the hands of the legislature, because a banking system in some form may become indispensable. Is there any thing consistent in this? There is not the same hesitancy to trust the people on other important subjects.

Mr. SINGLETON said he felt somewhat awkwardly situated in regard to this question. He was not exactly in favor of either proposition. He was opposed to the one that had been adopted by the convention, and he would briefly state the reasons why he disliked it, and why he had voted against it.

We are sent here, continued Mr. S., to form a new organic law, and we very gravely proceed to form three distinct departments of the government, and to assign to each department its appropriate duties, and to confer upon each the powers necessarily belonging to it. We have created a legislative department—the law-making power. Here is a proposition for banking proceeding from the law making power to the people. I think, sir, it is a novel mode of adopting laws; I think it is a departure from the true principles of good government to submit questions of this kind, or any other, from the law-making power to the people. The people have determined to confide the law-making power to the appropriate department of the government, and when that department undertakes to exercise the power, they ought to exercise it independently and definitely. This is my opinion, and it is based upon principle, and not because I do not think the people capable of deciding all questions.

I am in favor of banks. I voted against the proposition which was adopted by this convention, and I am now in favor of the amendment which is pending. I am in favor of it, because, if a proposition like that on the table, is to go to the people, I want it as perfect as possible,—not as the gentleman from Jo Daviess has said, that it shall be a naked question. What does he mean? Does he mean to divest the question of its alternative form, and thus make it naked? Does he mean that it shall be directed exclusively to one single point —the question of carrying on banking in this State, without embracing the question of the circulation of bank paper? It is admitted that the evils of which we have to complain of, arise from the circulation of bank paper. If then the gentleman desires to divest the question of its evils, it is not the question of banking alone which he should desire to submit; but he says that he wants a constitutional currency. Have we not bank paper in the State now? Suppose we prohibit the creation of banks, does the gentleman accomplish his object? I want to see the question fairly presented, that all the evils may be obviated. Let us make a fair test of the principles of those who are opposed to banking. If they say that the circulation of bank paper in the State is an evil, then I submit, though I do not agree with them that it is.

I shall vote for this amendment; but I am not prepared to say that I shall vote for the proposition if amended, because the question would not then go before the people in the shape in which it would be most conformable to my notions. I hope that all those who are opposed to banks, will also oppose the circulation of bank paper. I hope that the friends of prohibition will make this issue, and if we can get that out of the way, then I will go for this proposition when offered; I am unwilling that the two should be adopted, but I am willing to go for this if the other can be got out of the way; and I am willing to do this for the purpose of making a fair issue before the people. Now, I ask the gentleman from Jo Daviess, who seemed unwilling to let the convention know exactly what his opinion was—I ask him if it is right to submit to the people the question of the creation of banks alone, without touching the question of the circulation of bank paper? It must be admitted that there are some good effects attending banking, and if there are evils also, we have to suffer the evils without enjoying the benefit. If we prohibit banking in this State, without doing more than this, does it not seem to favor the proposition that we will use the paper of banks of other States, and exclude our own citizens from the advantages to be derived from banking? It appears to me so.

I am willing, sir, to go for anything that will present the question to the people in the proper shape, and when it is adopted, and we get rid of the provision already adopted, then I am prepared to vote for the amendment as amended. I do not see the objection to it that the gentleman from Knox does. If adopted it will stand as a separate section, and be submitted to the people as a separate and distinct section, and it appears to me that there is nothing improper in so submitting it. The whole constitution is to be referred to the people, and we only propose that this shall be referred as a separate section and there is a great difference in my judgment between referring the question as just proposed, and referring a law from the law-making power, to the people. The principle, it appears to me, is essentially wrong, and it is this which makes me opposed to the provision which has been adopted.

Mr. WILLIAMS hoped the amendment would be adopted. He concurred with the gentleman from Jo Daviess, in the most

of what he had said on the subject, except the suspicion which he had intimated, in his opinion very gratuitously, against the sincerity of members of the convention. He was not one of those persons, however, who were embraced in the insinuation which the gentleman had thrown out, for he had voted with the prohibitionists in almost every particular. He thought the insinuations of the gentleman entirely uncalled for.

The gentleman from Jefferson had said on a former occasion, that he had been cheated once and did not intend to be again. He could only say that the gentleman could not have been cheated as to the purpose for which the amendment was intended, for it had been frankly stated at every stage of its progress.

If there must be a paper circulation in this State, for it was that and that alone which was complained of as being objection able, there ought to be a decided preference given to our own paper. Now gentlemen who were in favor of prohibition, were in favor of it for other reasons than those which influenced him. He did not believe that the evils connected with the circulation of paper money were greater, or as great, as the benefits to be derived from it. He did not think that a paper circulation would be dispensed with; he wished to have the proposition adopted, however, in order that they might have an actual experiment, and ascertain by experience whether the entire suppression of the circulation of bank paper would be wise or unwise. He believed that a hard money currency, if the principle should be fully carried out, would result in the destruction of the commercial interests of the State. He hoped that those who agreed with him in regard to the propriety of having banks, would permit the question to be submitted to the people and decided by them.

Mr. SCATES explained the position he occupied in regard to this amendment.

Mr. SERVANT asked the indulgence of the convention for less than three minutes of their time, he said, to enable him to define his position. It is well known to you, sir, (continued Mr. S.), and to every gentleman in the convention, that I was opposed to the proposition as originally submitted, but believing that neither of the extremes should be adopted, and the prohibition should not be adopted, and wishing that the matter should be

brought to a close, I voted in good faith for the proposition of the gentleman from Wabash, and against the amendment. I voted against it then, and shall now, and shall vote against every proposition that is in the least degree calculated to disturb the compromise that was agreed upon some days ago. Though I was originally opposed to a compromise, yet believing that the session might be almost indefinitely protracted, without coming to any conclusion on the subject, without a compromise, and believing that a compromise was intended in good faith, I voted for it, and shall vote against every proposition that is calculated to disturb that compromise.]

AFTERNOON

Mr. MARKLEY moved a call of the Convention, which was made, a quorum appearing,

Mr. MARKLEY moved to reconsider the vote whereby Mr. WILLIAMS' amendment was rejected.

And the question being taken by yeas and nays, the Convention refused to reconsider—yeas 55, nays 71.

So the bank question was settled for the present, and stands as it did on Friday morning last.

Sections 25, 26 and 27 were read and adopted, as follows:

Sec. 25. The Governor and all other civil officers under this state shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit, or trust, under this state. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

Sec. 26. No judge of any court of law or equity, Secretary of State, Attorney General, Attorney for the State, recorder, clerk of any court of record, sheriff or collector, member of either house of Congress, or person holding any lucrative office under the United States or this state,—provided that appointments in the militia, justices of the peace, shall not be considered lucrative offices,—shall have a seat in the General Assembly; nor shall any person, holding any office of honor or profit under the government

of the United States, hold any office under the authority of this state.

Sec. 27. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also an oath of office.

Section 28 was read, as follows:

Sec. 28. The General Assembly shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury, or any other infamous crime.

Mr. SCATES offered a long series of amendments to be added to the section, defining the powers of the Legislature and enumerating the same.

To which were offered various amendments by Messrs. Geddes, McCallen, Hay, Kenner, Harvey and Armstrong.

Mr. MOFFETT moved the previous question; which was ordered, and the amendments were rejected—yeas 31, nays 103.

And then, the section was adopted.

Section 29 was read and adopted.

Sec. 29. The General Assembly shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law: *Provided*, That such laws be general and uniform in their operation throughout the state.

Section 30 was then taken up.

Sec. 30. The Legislature shall never grant or authorize extra compensation to any public officer, agent, servant or contractor, after the service shall have been rendered or the contract entered into.

Mr. CRAIN moved to add thereto, "But may at any time repeal, alter or amend, when in their opinion the public good requires it, any charter, or general law, granting exclusive privileges to any incorporation, individual or individuals whatever."

And the same by yeas and nays was rejected—yeas 48, nays 84.

And the section was adopted.

Section 31, after an amendment, was adopted, as follows:

Sec. 31. The General Assembly shall direct by law in what manner suits may be brought against the state.

Section 32 was taken up.

SEC. 32. The General Assembly shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this state.

Mr. DEMENT moved to insert after "purpose" in first line "nor to revive or extend the charter of the state bank or the charter of any other bank heretofore existing in the state."

And the same was adopted.

The section was then adopted.

Section 33 was read and adopted.

SEC. 33. The General Assembly shall have no power to authorize, by private or special law, the sale of any lands or other real estate belonging in whole or in part to any individual or individuals.

The 34th section was taken up, but before any vote thereon,

Mr.———— moved the Convention adjourn.

Mr. CONSTABLE, by leave, introduced a resolution granting the use of this Hall for an introductory lecture, and the Senate chamber for a course of lectures on mesmerism. Adopted.

And the Convention adjourned till to-morrow at 8 o'clock.

LI. TUESDAY, AUGUST 10, 1847

Prayer by the Rev. Mr. PALMER of Macoupin [Marshall?].

Mr. ROBBINS presented a petition from sundry citizens of Randolph county, praying a constitutional provision, for the exemption of a freehold from execution.

He moved its reference to a select committee—to be composed of the committees on Law Reform and Miscellaneous Subjects, with the following instructions:

"That they report an article providing that, from and after the first day of January in the year, 1849, a homestead to each and every family in this state of a farm, not exceeding eighty acres of land, and not exceeding in value eight hundred dollars, or a town or city lot with its appurtenances not exceeding in value eight hundred dollars, shall be exempt from execution, and from all liability whatever for all debts thereafter contracted."

Mr. CRAIN said that the committee on Miscellaneous Subjects had unanimously agreed upon a report upon this subject, and would report to-day or to-morrow.

Mr. GREGG suggested that as the report would be favorable to the views of the member from Randolph, he had better withhold his motion till it was made.

Mr. BOND expressed himself in favor of the instructions, but would, at the suggestion of gentlemen around him, defer his remarks till another time, when the subject would be more properly before them.

Mr. ROBBINS, under the circumstances, agreed that the subject should be laid on the table till the report of the committee was made.

Mr. BOND asked a suspension of the rules to enable him to offer the following resolution:

Resolved, That the select committee of twenty-seven appointed to district the state into senatorial and representative districts be, and they are hereby instructed, that in their efforts to district the state into senatorial and representative districts, they shall

first fix upon a starting point either on the north or south extreme of the state, and when such point is agreed upon by said committee, they shall proceed to form districts, forming the same out of contiguous territory and keeping in view the principles of apportionment agreed upon by this convention, until they shall have districted the whole state, without reference to judicial circuits or congressional districts, as now constituted in this state.

Mr. GREGG opposed the resolution. The committee had been engaged for some time in their labors and would be ready to report in a day or two. Moreover they had acted on the very principle contained in the resolution of the gentleman from Clinton.

Mr. BOND was desirous to have the resolution passed. He looked in upon the operations of the districting committee last night, and he thought there was a principle followed, which he thought very disadvantageous to the section of the state in which his county was situated. He thought that unless this resolution was adopted it was probable that the interest of the smaller counties would be disregarded.

Mr. CHURCHILL said, if the resolution was received, he would offer the following as a substitute therefor:

Resolved, That this convention will not alter the number of senators and representatives as arranged at the last session of the general assembly for the next election of members of general assembly, and the districts shall remain as then fixed for the next general assembly.

Mr. PETERS was in favor of the resolution.

Mr. ARMSTRONG said the committee was going on rapidly with the districting of the state, and he hoped the rules would not be suspended. He could see no propriety in finding fault with the action of the committee, before it made its report or had concluded its labors; he could not see the utility in gentlemen throwing barriers in the way of the action of the committee. He hoped the rules would not be suspended.

Mr. DAVIS of Massac was opposed to the suspension of the rules. He hoped the committee would be let alone in its operations and not embarrassed in its labors. The committee had commenced according to rules contained in the resolution of the

gentleman from Clinton. They districted the state into senatorial districts under that rule; and they had undertaken the representative districts twice and had failed. They first commenced at the north and went through the state till they reached the south, and found they had seventy-six districts. They then commenced at the extreme south and went over the state till they reached the north, and they came out with seventy-eight districts. Finding how difficult it was to arrive at the number of seventy-five, they had referred to the committee-men of each circuit the districting of their own circuits, and if the committee were left to perform their work, the districting would be done, and as satisfactorily as possible.

Mr. BOND replied and urged the necessity of his resolution, in justice to the small counties.

The question was taken on the suspension of the rules and the convention refused to suspend—yeas 55, nays 56.

Mr. HAYES moved to suspend the rules to enable him to offer the following resolution:

WHEREAS, it is almost time that the labors of this convention were brought to a close, and any plan of apportionment which may be adopted will occasion much delay and embarrassment, and may endanger the adoption of the new constitution, by connecting it with local questions and issues; therefore,

Resolved, That this convention will not attempt to district the state for members of the general assembly—and that the select committee of twenty-seven be discharged from any further action on that subject.

Mr. HARVEY agreed with the views expressed in the resolution, and hoped it would be received.

Mr. CALDWELL opposed the resolution. It would, if received, lead to discussion, which would consume as much time as the report of the Districting committee. Unless we district this state the next Legislature will contain the large number of representatives which we have heretofore had, and he thought that the Convention was spending money enough now, without having that large body meet again. He was of opinion that the Convention intended to have the constitution carried into effect without the aid of the Legislature.

Messrs. GREGG and ARMSTRONG expressed similar views.

The question was taken on the suspension of the rules, and the Convention refused to suspend.

The Convention then resumed the consideration of the article in relation to the Legislative Department.

Sec. 34. The General Assembly shall have no power to suspend any general law for the benefit of any particular individual nor to pass any law authorizing any proceeding in any court affecting the property or rights of any individual, other than is allowed under the general laws of the land, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals rights, privileges, immunities, or exemptions, other than such as may be, by the same law, extended to any member of the community who may be able to bring himself within the provisions of such law; nor shall the Legislature pass any law whereby any person shall be deprived of his life, liberty, property, or franchises, without trial and judgment, in some usual and regular judicial tribunal: *Provided*, nothing herein contained shall prevent the passage of any law for seizing and holding persons or property by mesne process, or otherwise, until such trial can be had, or for collecting taxes by distress and sale of personal property without judgment.

Amendments thereto were offered by Messrs. WILLIAMS and SCATES, and adopted.

And the question being taken by yeas and nays on the adoption of the section as amended, it was decided in the negative—yeas 56, nays 80.

Sec. 35. In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the white inhabitants of this state shall be made in such manner as shall be directed by law; and in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States shall be adopted by the General Assembly as the enumeration of this state; and the number of senators and representatives shall, at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to

be established by law, according to the number of white inhabitants.

Mr. THOMAS moved to strike out "regular," and insert "biennial;" and it was rejected.

Messrs. LOCKWOOD and PETERS offered amendments to the section and they were rejected.

And the section was adopted.

Sec. 36. Senatorial and representative districts shall be composed of contiguous territory bounded by county lines; and only one senator allowed to each senatorial, and not more than three representatives to any representative district: provided that cities and towns containing the requisite population shall be divided into separate districts; but the ratio of representation in such cities or towns shall be equal to one and a half of that required for counties; and not more than two representatives shall be allowed to each of such districts.

Mr. KNOWLTON moved to amend the section so as to read as follows:

"Senatorial and representative districts shall be composed of contiguous territory, bounded by county lines; and only one senator allowed to each senatorial, and not more than three representatives to any representative district: *Provided*, that cities and towns containing the requisite population may, by law, be erected into separate districts."

Upon this motion, a debate ensued in which Messrs. KNOWLTON, WEST, PETERS, EDWARDS of Madison, GREGG, SHERMAN and PRATT advocated the amendment, and Messrs. THOMAS and KNAPP of Jersey opposed it.

Mr. KNAPP moved the previous question, and

Mr. KNOWLTON'S amendment was adopted.

And the section, as amended, was adopted.

Mr. McCALLEN moved to reconsider the vote just taken, and then addressed the Convention in favor of the interests of small counties.

Mr. SINGLETON advocated the reconsideration of the vote. He did so because he thought the section unjust.

Messrs. GREGG and PALMER of Macoupin opposed, briefly, the reconsideration,

And the motion to reconsider was rejected.

Sec. 37. In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio shall form separate districts, and the excess shall not be computed, but shall be added together, and given to the nearest county or counties not having a senator or representative, as the case may be, which has the largest white population.

Mr. SMITH of Macon moved to strike out the words "senatorial and," and insert "senator or."

Pending which, the Convention adjourned till 3 P. M.

AFTERNOON

The question pending was on the motion of Mr. Smith to amend.

Messrs. CALDWELL, HAYES, MCCALLEN and HARVEY opposed the adoption of the section, and Messrs. BOND and HARDING supported it.

When this section was before the committee of the whole it was fully discussed, and the debate thereon was fully reported; the debate to-day turned upon the same points then argued.

The question was taken on the amendment, and it was rejected.

Mr. THOMAS moved to amend the section, by striking out the words "not be computed, but shall be added together, and," and the same was adopted.

Mr. WHITESIDE moved to amend the section by adding thereto: "*Provided*, that each senatorial district shall have not less than three representatives, which district may be sub-divided for representative districts."

And the same was rejected.

Mr. DEITZ moved to amend the section by striking out the words "which has the largest white population," and insert in lieu thereof, "including such excess would be entitled to a member." Rejected.

The section was adopted as follows—yeas 85, nays 52.

Sec. 37. In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio shall form separate districts, and the excess

shall be given to the nearest county or counties not having a senator or representative, as the case may be, which has the largest white population.

Section thirty-eight was read.

Mr. EDWARDS of Sangamon and Mr. HARVEY offered amendments thereto; which were adopted, and the section read thus:

Sec. 38. Each General Assembly shall provide for all the appropriations necessary for the ordinary contingent expenses of the government, until the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of each house, nor exceed the amount of revenue authorized by law to be raised in such time: *Provided*, the state may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate fifty thousand dollars; and the moneys thus borrowed shall be applied to the purpose for which they were obtained, or to repay the debt thus made, and to no other purpose; and no debt for any other purpose, except to repel invasion, suppress insurrection, or defend the state in war, for payment of which the faith of the state shall be pledged, shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for members of the General Assembly at such election.—The Legislature shall provide for the publication of said law for three months at least before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax to be levied for the purpose, or from other sources of revenue; which law providing for the payment of such interest by such law shall be irrepealable until such debts be paid: *Provided*, *further*, that the law levying the tax shall be submitted to the people with the law authorizing the contracting of the debt.

Mr. WITT moved to strike out the words "which law providing for the payment of such interests, by such tax, shall be irrepealable, until such debt shall be paid;" and the same, by yeas and nays, was rejected—yeas 25, nays 106.

Mr. SMITH of Macon moved to add to the section: " provided that no act of the Legislature shall be referred to the Gov-

ernor for his approval which, under the provisions of this section, is to be submitted to the people;" which was rejected.

The thirty-eighth section was then adopted, as above.

Sec. 39. The credit of the state shall not, in any manner, be given to or in aid of any individual association, or corporation.

Mr. MARKLEY moved to add thereto, the following:

"Nor shall the Legislature have power, in any manner, directly or indirectly, to pass any law or laws conferring a monopoly or monopolies on any person or persons within this state."

Mr. CALDWELL moved to substitute therefor, the following:

"The General Assembly shall be forever prohibited from passing any private, special or general law renewing, extending, or in any wise creating or authorizing the exercise of banking powers or privileges within this state: *Provided*, that the foregoing clause be submitted, as a separate section, to the people at the election, held for the adoption of this constitution, and so on for every ten years thereafter, and when the same shall be adopted by a majority of the votes cast for and against it, then such clause, as a separate section, shall become a part of this constitution and supersede all other provisions herein to the contrary, subject to be submitted and voted on, as above prescribed."

Mr. EDWARDS of Sangamon raised a point of order. Could this proposition be again offered to the Convention, it having been voted down yesterday?

The PRESIDENT said, the proposition as it now stood has never been offered, and was in order.

Mr. CROSS of Winnebago moved to lay the amendment and the substitute on the table.

Mr. CALDWELL demanded the yeas and nays, and they were ordered. The subject was laid on table—yeas 81, nays 53.

Mr. WHITESIDE moved to amend the section.

Pending which the Convention adjourned.

LII. WEDNESDAY, AUGUST 11, 1847

Mr. CRAIN from the committee on Miscellaneous Subjects and Questions, to which had been referred petitions praying a constitutional provision exempting from sale by judgment and execution the homestead of each family, made a report on the subject; which was read, laid on the table and ordered to be printed.

Mr. HAYES from the committee on Law Reform, reported to the convention an article on the subject; which was read, laid on the table and two hundred and fifty copies ordered to be printed.

Mr. CALDWELL moved to suspend the rules to enable certain reasons, in writing, in the shape of argument in support of the report just made, to be presented and printed. He thought this would be found to be the most economical mode of presenting the question. In case this was denied the friends of law reform would be obliged to support it in speeches here, which would be found more expensive than the printing would be.

Mr. EDWARDS of Sangamon objected. It would be a violation of the rules, and one which he would not consent to in any case.

Mr. BOND was a member of the committee and thought that the importance of the subject of Law Reform should be sufficient cause for a suspension of the rules.

The question was taken and the convention refused to suspend the rules.

Mr. MOFFETT moved the rules be suspended to enable him to introduce a resolution that the afternoon sessions of the convention shall commence at 2 p. m., and the convention refused to suspend.

The convention resumed the consideration of the subject before it yesterday.

The question pending was the amendment of Mr. WHITESIDE to the 39th section.

Mr. WHITESIDE modified his amendment to read as follows:

"And each county in the state, which has not a representative by apportionment, shall be entitled to one in the most numerous branch of the legislature: Provided, that such county will elect and pay such representative: And provided, further, that if any county shall elect a representative according to the foregoing provision, then such county shall not be entitled to vote for a representative, with any other county, under the apportionment made by law, at the same election."

The question was taken on the amendment, by yeas and nays, and was rejected—yeas 22, nays 115.

SEC. 40. The legislature shall provide by law that the fuel and stationery furnished for the use of the state; the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the general assembly shall be let, by contract, to the lowest responsible bidder, and that no member of the general assembly, or other officer of the state, shall be interested either directly or indirectly in any such contract: Provided, that the general assembly may fix a maximum price.

Mr. BROCKMAN moved to strike out all in relation to printing, and insert:

"There shall be elected by the qualified voters of this state, a public printer, who shall hold his office for the term of two years, and whose compensation shall be fees to be fixed by law."

Mr. B. said he was in favor of having all the officers elective, and chosen from the citizens of Illinois. The office of a public printer was an important one, he is the publisher of our laws, and should be a citizen and resident of the state, where he could be held responsible by the people for a breach of his duty. If the printing were to be given out to the lowest bidder, any person—whether a citizen of Indiana, or St. Louis, may become the printer of the state, and would lead not only to much inconvenience, but that officer might be where he would be beyond any responsibility to the people. His fees could be fixed by law, as were those of a sheriff, and the people then could understand the whole subject, and know what the officer received. He opposed the system of letting the printing out by contract, because it always led to collusion and combination on the part of the bidders. Such was the result in all such cases. He considered the duties to be per-

formed by the printer required that he should be a state officer, and as such ought to be elected by the people.

The question was taken on the amendment and it was rejected.

The section was then adopted.

Mr. WILLIAMS offered the following as an additional section:

"The general assembly shall have no power to pass any law, whereby any person shall be deprived of life, liberty, property or franchises, without trial, judgment, or decree in some usual and regular judicial tribunal: Provided, that revenue, taxes, and assessments, may be collected, and private property may be taken and applied to public use, and persons and property shall be subject to arrest and seizure, for purposes of trial, judgment, or decrees, and persons may be punished for contempts by such tribunals and such manner as the general assembly, by general and uniform laws, may provide: And provided further, that purchasers of land sold without judgment for taxes, asserting title by virtue of such purchase as against the title of the original owner or person claiming title or possession under such owner, shall be required to prove, in order to sustain the title asserted as aforesaid, that the land when sold was liable for taxes, that the same was assessed and sold conformably to law."

Mr. SCATES opposed the section for several reasons. He thought that the bill of rights was the proper place in which the life, liberty and property should be secured. Such had been the course adopted by the constitutions of every state in the Union, such had been the case in our former constitution, and he could see no reason to depart from it. He wanted the trial by jury to be secured permanently in another part of the constitution. He looked upon the amendment proposed by the member from Adams as interfering with the right to arrest fugitive slaves. He moved to strike out the words "life and liberty" and then it could be tested upon its taxable features.

Mr. WILLIAMS said the section had nothing to do with tax titles; nor did it interfere in any way with the right to arrest fugitive slaves. The latter was secured by the constitution of the United States, and no provision in our laws could change the question.

Mr. HARVEY opposed the section. He wanted no change in

the language of the bill of rights. The present constitution secured every man life, liberty and property, and the provision was a translation of the great *magna charta*. It was well understood, had been interpreted, its meaning frequently expounded and its construction firmly established. Why change it? The same language was in the constitution of the United States, and of all the states; why should we change it to meet the desires of the gentleman from Adams. It appeared to him that it did strike at tax titles. It requires a *trial* and judgment before execution and sale. How can we have a trial in the case of a non-resident landowner, who owes taxes? Trial requires that the party should be summoned, and how can we summon them? He looked upon the section as releasing non-residents entirely from the payment of taxes.

Mr. THOMAS was in favor of the section. He had something to do with its preparation and considered it as not interfering with tax titles other than the additional requirements of notice, &c.

Mr. ANDERSON moved the previous question; which was not ordered.

Mr. SINGLETON was in favor of the section in its present shape. He was, when the question was before them in committee of the whole, of the same opinion as the gentleman from Knox, but his objections had been obviated by the present language of the amendment.

Mr. LOCKWOOD thought the Bill of Rights, with the old provision in it, would be found sufficient protection to the citizen in his life, property and liberty. He would vote against the whole section, and at the proper time would move to strike out that portion in relation to tax titles. We had already made ample provisions to protect the landholder from surprise and fraud, and if this be adopted it will be impossible to establish a good tax title.

Mr. SCATES withdrew his amendment.

Mr. LOCKWOOD moved to strike out all in relation to taxes—yeas 65, nays 43.

The question was then taken on the adoption of the section, and it was rejected—yeas 65, nays 66.

Mr. ROBBINS offered, as an additional section, the following:

"The General Assembly shall have no power to alter or amend any bank charter while the same may be in force in this state; nor shall any act passed by the General Assembly for the purpose of creating a bank, be submitted to the people for their ratification or rejection, until the same shall have been published, for at least six consecutive weeks, in the public newspaper printed at the seat of government of this state.

Mr. SINGLETON moved to strike out all after the word "rejection."

The yeas and nays were ordered and taken, and resulted—yeas 6, nays 108.

Mr. HURLBUT moved to lay the section on the table; on which the yeas and nays were ordered, and resulted yeas 90, nays 40.

Mr. PETERS offered an additional section; which was lost.

Mr. THOMAS moved to lay the article on the table for the present; which motion was carried.

And then, on motion, the Convention adjourned till 3 P. M.

AFTERNOON

Mr. TURNBULL moved to take up the report of the committee on the Executive Department, as amended in committee of the whole.

Mr. DEMENT moved to take up the reports from the Judiciary committee.

And the Convention decided to take up the report on the Executive Department, section by section.

Section one was read and adopted.

Sec. 1. The executive power shall be vested in a Governor.

Sec. 2. The first election of Governor shall be held on the Tuesday next after the first Monday of November, A. D. 1848; and the next election shall be held on the Tuesday next after the first Monday of November, A. D. 1852; and thereafter, elections for Governor shall be held once in four years, on the Tuesday next after the first Monday of November. The Governor shall be chosen by the electors of the members of the General Assembly, at the same places and in the same manner that they shall respectively vote for members thereof. The returns for every election of

Governor shall be sealed up, and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more be equal and highest in votes, then one of them shall be chosen Governor by joint ballot of both houses of the General Assembly. Contested elections shall be determined by both houses of the General Assembly in such manner as shall be prescribed by law.

Mr. GREGG moved to strike out "1848," and insert "1850;" to strike out "1852," and insert "1854."

Mr. G. made this motion because the adoption of the section in its present shape, put the present Governor out of office before the expiration of his term. He thought there was a manifest propriety in his amendment. No one had ever complained of Gov. French, and there was no justice in saying that he, of all the governors of this state, should be cut down in his term.

Mr. DAVIS of McLean replied that there was no force in the argument. Our judges, who were appointed for life, are to be put out of office as soon as this constitution is adopted. He could see no implied or expressed censure of Governor French in this act. We were laying the foundation of government anew, and all our officers should commence with it.

The question was taken by yeas and nays on the amendment, and it was rejected—yeas 39, nays 94.

And the section was then adopted.

Sec. 3. The first Governor shall enter upon the duties of his office on the second Monday of January, A. D. 1849, and shall hold his office until the second Monday of January, A. D. 1853, and until another Governor shall be elected and qualified to office; and forever after, the Governor shall hold his office for the term of four years, and until another Governor shall be elected and qualified; but he shall not be eligible for more than four years in any term of eight years, nor to any other office until after the expiration of his term for which he was elected.

Sec. 4. No person except a citizen of the United States shall be eligible to the office of Governor; neither shall any person be

eligible to that office who shall not have attained to the age of thirty-five years, and been ten years a resident within this state, [and have been a citizen of the United States fourteen years].

The question was first taken, by yeas and nays, on agreeing with the words in brackets, and resulted—yeas 70, nays 68.

And then the section was adopted.

Sec. 5. The Governor shall reside at the seat of government, and receive for his salary the sum of twelve hundred and fifty dollars per annum, which shall not be increased nor diminished; and he shall not, during the time for which he shall have been elected such Governor, receive any other emolument from the United States, or any of them.

Mr. POWERS moved to strike out "$1250," and insert "$1500."

Mr. SHUMWAY moved to strike out, and insert "$1000."

The question was first taken on striking out, and carried—yeas 70, nays 60.

And then on inserting $1500, and decided in the affirmative—yeas 73, nays 66.

Mr. DEITZ moved to insert, after "governor:" "he shall also be *ex officio* fund commissioner;" and it was rejected—yeas 24, nays 114.

The section was then adopted.

The following sections were adopted:

Sec. 6. Before he enters upon the execution of the duties of his office, he shall take the following oath or affirmation, to wit: "I do solemnly swear—or affirm—that I will faithfully execute the duties appertaining to the office of Governor of the State of Illinois; and will, to the best of my ability, preserve, protect, and defend the constitution of this state; and will, also, support the constitution of the United States."

Sec. 7. He shall, from time to time, give the General Assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

Sec. 8. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper,

subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting; when the General Assembly shall either pardon the convict or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall, biennially, communicate to the General Assembly each case of reprieve, commutation or pardon granted; stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of commutation, pardon, or reprieve.

Sec. 9. He may require information in writing from the officers in the Executive Department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 10. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them, in said proclamation, the purpose for which they are to convene; and the General Assembly shall enter on no legislative business except that for which they were especially called together.

Sec. 11. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

Sec. 12. In case of disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he thinks proper; provided it be not to a period beyond the next constitutional meeting of the same.

Sec. 13. A Lieutenant Governor shall be chosen at every election of Governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant Governor, the electors shall distinguish whom they vote for as Governor and whom as Lieutenant Governor.

Sec. 14. The Lieutenant Governor shall, by virtue of his office, be speaker of the Senate; have a right, when in committee of the whole, to debate and vote on all subjects, and, whenever the Senate are equally divided, to give the casting vote.

Sec. 15. Whenever the government shall be administered by the Lieutenant Governor, or he shall be unable to attend as speaker of the Senate, the senators shall elect one of their own members as speaker for that occasion; and if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached, removed from office, refuse to qualify, or resign, or die, or be absent from the state, the speaker of the Senate shall in like manner administer the government.

Sec. 16. The Lieutenant Governor, while he acts as speaker of the Senate, shall receive for his service the same compensation which shall, for the same period, be allowed to the speaker of the House of Representatives, and no more.

Sec. 17. If the Lieutenant Governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the General Assembly, it shall be the duty of the Secretary of State for the time being to convene the Senate for the purpose of choosing a speaker.

Sec. 18. In case of the impeachment of the Governor, his absence from the State, or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor; and in case of his death, resignation, or removal, then upon the speaker of the Senate for the time being, until the Governor, absent or impeached, shall return or be acquitted; or until the disqualification or inability shall cease; or until a new Governor shall be elected and qualified.

Sec. 19. In case of a vacancy in the office of Governor, for any other cause than those herein enumerated; or in case of the death of the Governor elect before he is qualified into office, the powers, duties, and emoluments of the office shall devolve upon the Lieutenant Governor, or speaker of the Senate, as above provided for, until a new Governor be elected and qualified.

Section twenty was then taken up.

Sec. 20. Every bill which shall have passed the Senate and House of Representatives shall, before it becomes a law, be presented to the Governor: if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated; who shall enter the objections at large on

their journal, and proceed to reconsider it. If, after such reconsideration, three-fifths of the members elected shall agree to pass the bill, it shall be sent, together with the objections, to the other house; by which it shall likewise be reconsidered; and if approved by three-fifths of the members elected, it shall become a law, notwithstanding the objections of the Governor. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the Governor within ten days—Sundays excepted—after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return; in which case, the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said ten days, or be a law.

Mr. DAVIS of Montgomery moved to strike out "three-fifths" wherever it occurred, and insert in lieu thereof "a majority."

The yeas and nays were demanded on the motion, and resulted—yeas 71, nays 67.

The question was then taken, by yeas and nays, on the adoption of the section, and it resulted yeas 74, nays 65.

Sec. 21. Each Governor shall nominate and, by and with the advice of the Senate, appoint a Secretary of State, whose term of office shall expire with the office of the Governor, by whom he shall have been nominated, and who shall hold his office until his successor is appointed and qualified; who shall keep a fair register of the official acts of the Governor, and, when required, shall lay the same and all papers, minutes, and vouchers relative thereto, before either branch of the General Assembly; and shall perform such other duties as shall be assigned him by law, and who shall receive a salary of eight hundred dollars per annum, and no more, except fees; *Provided*, the Governor shall have power to remove the secretary, when in his judgment the public good shall require it, and to appoint another.

Mr. PRATT offered an amendment, making the office of secretary of State elective; which was adopted.

Mr. VANCE moved to add to the section: "there shall be elected, &c., all the clerks required in the office of the treasurer, auditor, and secretary of State."

Pending which, the Convention adjourned.

LIII. THURSDAY, AUGUST 12, 1847

The question pending at the adjournment yesterday, was on the amendment of Mr. VANCE.

Mr. SMITH of Macon moved to lay it on the table; which was decided in the affirmative.

Mr. PRATT moved to strike out the section and insert the following:

"There shall be elected by the qualified electors of the state, at the same time of the election for governor, a secretary of state, whose term of office shall be the same as that of the governor, who shall keep a fair register of the official acts of the governor, and when required, shall lay the same and all papers, minutes and vouchers relative thereto, before either branch of the General Assembly, and shall perform such other duties as shall be assigned him by law, and shall receive a salary of $800 per annum, and no more, except fees; provided, that if the office of secretary of state should be vacated by death, resignation or otherwise, it shall be the duty of the governor to appoint another, who shall hold his office until another secretary shall be elected and qualified."

The substitute was adopted, and the section as amended was also adopted.

Sections 22 and 23 were read and adopted.

SEC. 22. All grants and commissions shall be sealed with the great seal [of state,] signed by the governor or person administering the government, and countersigned by the secretary of state.

SEC. 23. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office, during their continuance in office, and for two years thereafter.

Mr. SHUMWAY moved to reconsider the vote by which section 20 was adopted, with a view to restore the veto power to its former force, which was not agreed to—yeas 68, nays 73.

Mr. SCATES moved to reconsider the vote adopting section 2, with a view of fixing the time of the election of the next gover-

nor at a period that would enable the present governor to conclude his term of office.

Messrs. LOCKWOOD, DAVIS of Montgomery, CALDWELL, WHITNEY, SINGLETON and HAYES opposed the motion, Messrs. SCATES and PRATT advocated it, and the Convention refused to reconsider the vote—yeas 42, nays 101.

Mr. WITT moved to reconsider the vote on section 5, in relation to the salary of the governor, and the Convention refused to reconsider—yeas 64, nays 76.

Mr. THOMAS offered an additional section; for which Mr. SCATES offered a substitute; and both of which Mr. Z. CASEY moved to lay on the table, and the Convention so decided—yeas 66, nays 53.

Mr. SERVANT moved the article be referred to the committee on Revision, &c.

Mr. SHUMWAY moved to suspend the rules to enable him to introduce a rule that members shall not be allowed to crowd round the secretary's desk during the taking of the yeas and nays. The Convention refused to suspend the rules.

THE JUDICIARY

Mr. SINGLETON moved to take up the report of the select committee of twenty-seven on the Judiciary, whereupon ensued a discussion upon a point of order, as to the proper mode of proceeding with the report and the two minority reports, in which Messrs. CONSTABLE, DEMENT, SINGLETON, EDWARDS of Madison, ROUNTREE, Z. CASEY and the PRESIDENT participated, which resulted in

Mr. DEMENT moving to substitute the minority report, No. 1, reported by himself, for the report of the majority.

Mr. CALDWELL hoped the motion would not prevail. The report of the majority embraced a whole system, county courts included, while the minority report only embraced the superior courts.

Mr. SCATES suggested to the gentleman from Lee to modify his motion so as to substitute his report for the first twelve sections and the last four sections.

Mr. DEMENT did so modify his motion.

Mr. SCATES addressed the Convention in favor of the motion, and in support of the election of the supreme court by general ticket, in opposition to their choice by three grand divisions.

Mr. WILLIAMS said, that the judiciary was the most important department of the government. It had a jurisdiction over the life, liberty and property of individuals, and therefore its importance. It becomes us then to particularly inquire into the best mode of selecting the judges. He was in favor of the district system. A judge was elected in each district; and the people of each district had the choice of one judge, and were therefore fully represented on the bench. The same argument against the district system would apply to the Legislature. A member of that body assisted in passing laws for the whole state and for the whole people, and would any one contend that because he did so, that he should be chosen by the whole people? Because he acted in part in making laws to govern people in the other parts of the state, should he be elected by the whole people? He thought differently. He considered, that as the people by the choice of representatives by districts were represented in the legislature, so would the interests and the people of the respective districts be as fairly represented by having the judges elected in such districts. Again, he had come to the conclusion that under the present state of affairs in Illinois, the best mode of selecting judges was by leaving them to be chosen by the people; and as a great auxiliary to the people in choosing them, he thought the district system should be adopted; because that they would be more likely and more certainly have a better knowledge and acquaintance with the candidates for the office. This alone was a sufficient reason why he should vote for the district system. It had been said here that men could be chosen for the office in the district who could not be elected by the whole people. This was, to him, an argument in favor of the district system. It showed that the people, when they knew the man, were acquainted with his qualifications, &c., would rise above party considerations and elect him. He deprecated the time when the election of our judiciary should be based upon party principles. He would regret the day when a man's recommendation for the office of a supreme judge was based upon his party feelings and sentiments. A man nominated

by the whig or democratic conventions, would always be voted for by the people in all parts of the state where he was not known, on no other ground than that of his politics, and thus a man might be rejected by the whole people who did not know him, on account of his politics, when the people in the district where he resided, and who knew his abilities and qualifications, would elect him if they alone had the choice. He considered the district system the best in securing a pure, able and competent bench.

Mr. MINSHALL addressed the Convention briefly in support of the district system, as bringing the election of the judges nearer to the people than did the general ticket system.

[Mr. MINSHALL said,[53] that a remark had been made by the gentleman from Jefferson, to the effect, that one of the majority of the committee of 27 on the Judiciary had said, that the report of the majority proposed one of the must unfit and inefficient systems that could be devised. No such remark had been made in committee by any one of the majority. It was the gentleman from Fulton who was not now present (Mr. Wead,) who made the remark alluded to by the gentleman from Jefferson, or remarks in their nature and tendency very similar. The remarks which he had made concerning the report, and his objections to it were very different. It is true, continued Mr. Minshall, that about the time the vote was taken in committee, as most of the members voting for the majority report had committed themselves to the support of the report in the convention, on the ground that they regarded it as a compromise, by their votes and remarks; and as I differed entirely with the committee in regard to the compromise, and entertained objections to two of the sections in the majority report, viz: the third and sixth sections; and third surrendering the power to the legislature of changing at any time they might choose the organization of the court by changing the mode of election to general ticket, or from general ticket to districting, as the different parties might prevail in the legislature; the sixth section giving the legislature power over the sittings of the supreme court, to require them to hold their terms at three places, with power to alter and change them, either to the extent

[53] This speech by Minshall is taken from the *Sagamo Journal*, August 24.

of requiring a term to be held in each judicial circuit or to reduce it to one single place, that being the seat of government. This power I thought, and still think, puts the supreme court completely under the control of the legislature; a position, in my mind of all others, which we should most avoid in forming the judiciary department. The judiciary, particularly the supreme court, being a co-ordinate branch and one, which from the nature of our institutions, would be most like to come in contact with the legislature when called upon to give construction to their legislative action, in view of all constitutional questions, was of all others, most necessary to be removed far from legislative control or influence, and should in no manner be accountable to, or under the influence of the legislature other than by the general provisions holding them accountable to the people through their representative, for a faithful discharge of their duties, and for misdemeanor or misconduct in office. Entertaining these views, I conceived that I could under no circumstance surrender them, and could not regard it in the nature of a compromise. But rather than be looked upon as an impracticable, voted for the report of the majority to enable them to make their report as a basis for action in the convention, but at the same time distinctly stating that in so doing, I should not be considered as committed to the whole report, and reserving to myself the right, that if the minority or any one else produced a report that better accorded with my judgment and views, I should certainly give it my support in preference.

If, then, I am the person alluded to by the gentleman from Jefferson, he is mistaken. It was the gentleman from Fulton, who was one of the majority, and appeared to be generally dissatisfied with the report, and more particularly with the county court system in which he had figured conspicuously,—which, no doubt, will be remembered by other gentlemen of the committee. The most that I said at the time was, that I would not commit myself to the support of the whole of the report. My objection, however, will be seen not to be against the districting system;—for that has been my favorite plan from the commencement,—but because it did not give that system in full and perfectly free from legislative interference hereafter. In regard to the rest of the report, except these two sections, I concurred with the committee, and do now.

While up for the purpose of this explanation, in regard to the reason why I prefer the district to any other system of these times, I can state them in a very few words (although I labor under great terror, and perhaps unnecessary fear of the abominable fifteen minute rule, and no reply.) I have differed for some time with most of my political friends in regard to the election of judges. In the first place I look upon the office of judge as altogether different from most offices. The nature of the duty is such that the judge who is desirous even for re-election, can only secure that result by a faithful performance of his duty. He has to perform his high trust openly before the public in the presence of all that choose to assemble in the courts. The matters in hand, concerning all the public, and particularly the parties immediately interested on trial, within the keen sight of the parties, and the still more sharpened vision of lawyers of the parties, and the general interest of the bar—how can the judge dare to show any favoritism for the one party or the other for the sake of popularity? Would not all he gained from the favored party, be more than counterbalanced by the loss of the other, and still more by the general indignation that would be excited in the whole community, of all parties, at such conduct? Could the judge possibly escape detection? Certainly not. Why should the judges of the supreme court be elected in districts? Because, in adopting the elective system, we are departing from an old established system,—that of appointment during good behavior. We cannot rely on appointment for a term of years unless we render the incumbent ineligible to re-appointment; because if liable to re-appointment it inclines the judge to look too much to the governor as the source and fountain of power, and therefore is likely to create too much dependence on that quarter. We cannot agree on a term long enough to render the judges ineligible after one term. Besides in these days appointments are governed and made by interest and associating influences and combination, and recommendation altogether foreign to the old times, and having but little regard to the general welfare. I have been inclined to depart from this system for some years back, and I hold it to be a cardinal principle that when we depart from an old established system, which may have been antiquated or is subject to con-

demnation by misusages, we should look with caution and circumspection considering the fitness and nature of things for the next best plan. I am therefore for electing upon the ground that the people will choose better men for their officers than we can expect to obtain under any other system. I am for election in districts, because it gives the people a better opportunity of exercising a correct judgment in their choice. If you will give them a fair chance to know something of the man they are to vote for, something of his qualities, his legal attainments, his integrity, his independence, and of all that makes up the fitness for the station, I feel confident the district plan affords to the voter most opportunity for this. It brings the voter and the voted for nearer together; affords men means of acquaintance, and if trusting to the integrity and good intention of the people this means of selecting their judges is adopted, it is reasonable to suppose they will select the very best from one party or the other to perform the high functions of this office.

As to the position taken by the gentleman from Jefferson, that the court is to be regarded in the light of a representative body—if it is meant to assume that the court is to be so regarded, I do not agree with him. It is insisted by those who take that position that the judge will not represent all the State, or in other words that one-third of the State will make a judge for the other two, and that the judge will have the power to decide for persons that have no voice in electing him; and that therefore as the supreme court are the judges for the whole State, the whole State should vote for them. This argument is more specious than sound. If gentlemen will have the court a representative body, which may be conceded for the sake of argument merely, the argument proves nothing, for by reference to the manner of constituting the truly representative branch in the government, the House of Representatives and Senate, the same objection would apply.

The Representatives and Senators, it must be admitted, in all matters of general concern, and in the enactment of general laws for the whole community, are the representatives and senators for the whole State, yet they are elected from counties and single districts. But really the objection that the judges will have to decide for voters of a district who may not have voted for

him, instead of being an objection constitutes one of its best recommendations.

These are some of the reasons why I have adhered with tenacity to the districting system in the election of supreme judges, and another may be named in departing from old and settled usages and systems in matters of such moment when the mind is satisfied with reasons for the change owing to the mutability and uncertainty of all things pertaining to society, governments, and their transition from one form to another. We feel more safety in having a precedent before us. In adhering to the district plan we will have followed the example that has been set us by the State of Mississippi, and which we have followed in adopting the elective judiciary, and we have abundant evidence before us that in that State the system has worked well. If the precedent is good in part, the reasons for it would also seem to assure us that it is good throughout. Let us then try it in its true spirit and see if the system if followed out will not work as well in this State as in that.]

Mr. DAVIS of Massac begged the attention of the Convention for a few moments, while he expressed a few words in relation to the reports before the Convention. The argument advanced now, and when the subject was before them on a previous occasion, in favor of the election of the judges of the supreme court, was, that they should be elected by the whole people, if they were to be elected at all. For this view, for this system of an election of the judiciary by general ticket, there was no precedent to be found in the Union. Not a single precedent could be found to support it. The only two states that we can look to as precedents for an elective judiciary are the states of Mississippi and New York under her new constitution. But, sir, in the state of Mississippi they had wisely provided against the election of the supreme court by general ticket; they had carefully avoided that evil. They had divided the state into three districts, and one of the judges was elected from each district. The experience of the people of that state under this provision has been shown to us in the debate on this question at a former day. Mr. D. read the provision in the Mississippi constitution upon the subject. Nor,

said he, is the state of New York any precedent in favor of this general ticket system. What does it provide? It does not provide for the election of the whole court of appeals—the court of final resort—by general ticket. They have provided that that court shall be composed of four judges to be elected by general ticket, and four to be chosen by the qualified electors in separate districts. Then, sir, the gentlemen have no grounds to sustain this principle upon; they having nothing here or elsewhere to support them. There is no ground in the state of feeling on the subject in Illinois to sustain them. But on the contrary, there is reason to believe that no such system as they propose should be adopted. There is good ground for us to believe that the people of the state of Mississippi, when they adopted this district plan, were actuated by an apprehension that if the court were elected by the whole people, it would become an engine of tyranny and an instrument of despotism. Mr. D. read an extract from the constitution of the state of New York, to show that the court of appeals—the court of final resort, was to be composed of the four judges to be elected by general ticket, and of others to be chosen in districts. These judges, sir, who make up this court are to be chosen by the voters of the state in their respective districts, not by general ticket. Where, then, is the precedent for this system? Where the precedent for the election of a tribunal of last resort by the general ticket system? No where. Not in a single state of the Union can it be found. Not a single precedent for this proposition can be found in the whole United States. It is therefore an experiment. The whole plan of an elective judiciary is an experiment, but are we to be launched upon the sea of experiment with no light of experience to guide us? He hoped not. If the Convention substituted the report of the gentleman from Lee for that of the majority of the committee, then, sir, all responsibility on the part of the judges to the people was gone, forever gone. The judges would look not to the people for support, not to them for confidence, but to the party leaders of the day. They would not feel the responsibility which would attach were he obliged to look to the people of his own district to sustain him, and were they alone to judge of his conduct. What is the difference between the two reports? The majority report says the state

shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said judges for the term of nine years; provided, that after the first election of said judges, the legislature may have the power to provide by law for their election by the whole state or by divisions as it may deem most expedient. The minority report says, the state shall be divided into three districts, as nearly equal in population as may be, and the qualified electors of the state shall elect the three judges, one of whom shall reside in each district. It would be perceived that under the majority report, the legislature had the power after the first election, in case it was found to operate badly, to change the system to the general ticket plan. But in the minority report no such power was given. It was fixed permanently and positively; if found to act badly, there was no power given to change or alter it. Under the former, if such a case should ever arise, that the legal talent of the state should be gathered at one section, then the legislature may have the power to provide for a change from the district system; but under the minority report, they must come one from each district, and it cannot be changed or altered, and the only object which can be secured is, that they shall be elected by the whole people—by general ticket. Their whole argument is swept away. We have no precedent any where for what they propose, and are we prepared to adopt it? There are, however, precedents for the district plan. We have the experience of the two states, Mississippi and New York, both of whom have adopted it. Shall we disregard them? Are we not to look at the lamp of experience burning at our feet, and venture upon an untried experiment, which before his God, he considered the most mischievous and most fraught with evil, ruin, and disaster to the rights and liberties of the people that could be presented. He hoped the amendment would not be adopted. Much time had already been consumed in the discussion of this subject, and he did not desire to detain the Convention. But he sincerely hoped that the Convention would retain the district provision to establish a supreme court, a court of final resort, that will give general satisfaction, and which may be looked up to with pride.

Mr. DEMENT was sorry to take up the time of the Conven-

tion by a discussion of the question now before them, particularly as it had been discussed fully and ably by gentlemen on a former occasion. But in answer to what had been said, he would remind the Convention that there were many views governing the friends of the minority report, different from those attributed to them by the two gentlemen, from Adams and from Massac. Nor had they come to the conclusions embodied in that report without full deliberation, and consideration of the subject, as is assumed by the gentleman from Massac. Sir, is there nothing in which the two reports differ, but that of the mode of electing the judges? He thought there were several points in which the reports differed, and those differences were sufficient to induce him to vote for the minority report, in preference to that of the majority. He had, on a former occasion, expressed his sentiments on all the points involved in the question of the judiciary, and would now confine himself entirely to the question of those two reports, and touch upon some of the points alluded to by the gentleman from Massac. He speaks of an apparent inconsistency in the minority report, which confines the selection of the judges of the supreme court to the districts, and his argument was based upon the danger of the possibility that all the legal talent of the state might be found to be in one section of the state. Such an argument needs no reply, and Mr. D. would not detain the Convention by showing its fallacy.

Mr. DAVIS said, that he had never said there was any danger of such a thing as the whole legal talent being concentrated in one section of the state. He had alluded to it merely to show the impossibility, under the minority report, of changing the mode of election to meet the changes that may take place in the condition and circumstances of the people.

Mr. DEMENT said, he had given way for an explanation—not a speech—and he had not attributed to the gentleman any such remark [as] that he complained of, when he did, it was time for the gentleman to complain. But it was urged by the member from Massac so tenaciously, it was nothing more than a fair conclusion, that he look upon the probability of such a thing as an argument. If not, why did he urge it? The gentleman objects to the provision, and cites the majority report as a better system

and argues that the only mode to preserve the purity and integrity of the bench, is not only to confine the *selection* of the judges, but also, their *election* to the three districts. This is his proposition, to be a fixed rule until after the first election. The character, integrity and ability of the court are to be decided by the voters of one district—by a majority of one-third of the state—by a little more than one-sixth of the people, and this is the place proposed to give the *people the election* of the judiciary. Again, the proposition of the gentleman divides the state not into three divisions as regards population, but in respect to territory, whereby one division, with a small fraction of population, may have the decision of the character, &c., of the court. The minority report is different, it proposes these divisions to be laid off with respect to population. Another difference in the report; the minority propose a different term of office—six years. When the matter was before us before, the Convention, by a large majority, fixed the term of office at six years, and the minority have followed that decision. The majority, however, have set this aside, have said the expressed will of the majority of the Convention shall not be law, and have fixed in their report the term at nine years. He was also opposed to leaving this great power of control over the judiciary, with the Legislature. He wanted to have it fixed, permanently and firmly fixed in the constitution, and the department left wholly independent of the Legislature. Another reason why he opposed the majority report, was that a majority of this Convention have decided that the supreme court shall hold a number of terms in places throughout the state, and yet this majority of the committee have come into the Convention, with the term fixed at one place in each of the three divisions, and then the Legislature is entrusted with the power to change it. This is a great power to give the Legislature, and he had not expected it to come from the quarter whence it did, who have all during the session preached to us continually—distrust to the legislature. There was yet another difference between the two reports: in the majority report, they fixed the circuits at twelve in number; we think that nine are ample for the present exigencies of the time, and the condition and business of the people. The majority also provide for the election of an attorney general and prosecuting attorneys, and

leave with the Legislature the fixing of their pay and duties; to the giving to the Legislature this power, he was also opposed. In the minority report, the salary of those officers was fixed; if the sum was too high or too low, it could be changed, but let us not leave it open to the Legislature. We want permanence and stability in our judicial system, and we should fix it so in the constitution, and all our officers should be above the influence and control of the Legislature.

Mr. DAVIS of McLean said he admired the tactics of the gentleman from Lee, so well displayed in the address he had just made. He had appealed to all those who held views different from the majority report in all the details, to vote for striking out and inserting his own report, while he had rather avoided the true question involved in the point.—The gentleman from Jefferson, who entertains the same views with the member from Lee, with his characteristic candor, had stated the true question before them to be whether the judges of the supreme court shall be elected by districts or by general ticket. The gentleman from Lee, however, to catch the votes of others, has alluded to the other differences between the reports. He has alluded to the fact, that the Convention decided that the term of office should be six years, instead of nine, as reported; but, sir, did not the Convention decide, by a much stronger and decided vote, that the judges should be elected from districts? If so, why, according to his own reasoning, has he come in here with his general ticket system? Can he not, when the question comes up, move to strike out nine and insert six? The majority of the committee, however, with a decided majority in their favor, have come in with a report in which the views of all these gentlemen are compromised.—They propose a provision as a compromise, which makes the judiciary elective by districts for the present, but leaves with the Legislature power to change it, in case it is found to work badly. Mr. D. was in favor of one supreme court to be held at the seat of government, but as a compromise, he was willing to give up his own opinion and leave with the Legislature power to fix the time and place of the sitting of the court—either in one place in each grand division, or more places than one in each division, or after 1850, to have it fixed permanently at the seat of government.

As to the complaints of the gentleman from Lee, that the majority have departed from the decisions of the Convention, he would remind the gentleman that the Convention had decided in favor of twelve circuits, yet the minority report had fixed the number at nine only.—The majority has followed the expressed opinions of the Convention as nearly as may be, yet they have also endeavored to meet the various opinions of the gentlemen, by presenting a compromise. The gentleman from Lee has not met the arguments in favor of the district system. He has not attempted to answer the argument of the gentlemen who have taken the position that the district system is the better, because it brings the election of the judges nearer to the people, who, thereby, can make a better selection for the office, than if the judge was chosen from the state at large, when they would not be acquainted with his character and abilities.

Mr. AKIN said, that it was apparent that they were to have long speeches on this subject; therefore, to enable gentlemen to gain some wind, he moved the Convention adjourn. And it did adjourn till 3, p. m.

AFTERNOON

The Convention was called, and as soon as a quorum appeared, the report of the Judiciary committee was again taken up. The question pending was on the motion of Mr. DEMENT.

Mr. PALMER of Macoupin said, that neither proposition—neither the general ticket nor the district system, was a favorite of his. He was in favor of the old mode of electing the judges—by the Governor and the Senate. It had been, however, settled that the judiciary was to be elective and he would be obliged to vote for the form least objectionable. The people either were or were not competent to the election of the judiciary, if they were, and such was the opinion of the majority of the Convention, why cheat them with this mockery of an elective judiciary, the district system. Why say to the people, you shall have the power to elect the supreme court, yet your voice shall not be heard in the choice of two-thirds of that court. The gentlemen from Massac and McLean have told us that there are no precedents to be found for this general ticket system. The demand for precedents comes with a bad grace from those gentlemen. They

have advocated here an elective judiciary, which is opposed to all the precedents and experience of ages. They have argued against a system of appointment of the judiciary, which has stood the test of centuries, and has never been found mischievous, but which has been sanctioned and approved by all the lights of wisdom and experience of the past and the well approved usage of ages. They tell us that this plan of an elective judiciary has worked well in Mississippi; that there it is found to be an excellent substitute for the old plan; this may be, sir, but it is just in its beginning; and it may be found that, like the man who went up in the tree to fly, he started admirably, but came to the ground very hard. Such may be the case with this Mississippi plan. They have argued before us that the people have the capacity to elect judges of the supreme court; that it is a right properly belonging to them, and one which they can and ought to exercise. If this be the case, why cheat them with this pretended election—this power to elect one of the judges, and denying them the right to be heard in the choice of the other two?—Suppose the state be divided into three districts—a northern, southern and a middle district. Suppose we, at the south, elect a man who is utterly incompetent to discharge the duties of the office, whom can the people of the north and in the middle districts hold responsible for the act? On whom can they visit their punishment? On no one, sir. There is no responsibility anywhere; yet the decisions of that court may be governed by that man. In such a point of view, the district system is more objectionable than the present mode of electing them by the Legislature; for now, if a man be elected who is incompetent and unworthy of the office, the constituents of those who elect him may hold them to strict account for the violation of their duty and trust. The argument that it would be as proper to elect the Legislature by general ticket as the judges of this supreme court, is not a true one, and totally inapplicable to the point. There is no representative principle upon the bench as there is in the Legislature; in that body the different county and local interests are represented—for the purpose of preventing one from encroaching upon the others. But the supreme court is different.—It is not a representative of any one interest or section; it is, emphatically, a *state* tribunal.—Gentle-

men deprecate party spirit in the election of judges; they have denounced the general ticket as calculated to produce party conventions, and party caucuses. Admit it. And will you, by the district system, avoid this? Will you not have district conventions to nominate party candidates?—Most certainly you will; and will they not be followed just as well? Do not the lines laid down by Congressional conventions, county conventions, and district conventions, be [*sic*] as closely followed and observed as the state nominations? Mr. P. said he was in favor of the plan of appointment by the Governor and Senate, but if the election was to be given to the people, he was in favor of giving it to the whole people.

Mr. DAVIS of Montgomery saw no difference in the question as it stood now, and as it did when before us on a former occasion. The question then was, shall the judges be elected by an unqualified general ticket, or by districts. The same question is now presented, with this difference: that then, the advocates of the general ticket system declared that locality had nothing to do with the question, and now they come in with a report, that the judges shall reside in one of the three grand divisions. By this, they have abandoned their ground; have given up their position, that the judges should be chosen, irrespective of locality, and, in so doing, have admitted the correctness of the district system. They are willing, now, to give the whole people the power to elect all the judges, but they require that they shall elect one of them from each of the three grand divisions, which appeared to him more of a solemn mockery than anything he had seen yet.

Mr. FARWELL did not consider that in presenting the minority report, the friends of the general ticket system had abandoned any principle. It made no difference where the men were chosen from—if they were all chosen from one county—so the whole people had a voice in their election. It had been argued that the nearer the judges were brought to the people, the better it would be—the better the selection would prove. If such were true, and that was the best mode of obtaining upright and able judges, then why not carry out the principle to the greatest perfection by providing that the judges shall be chosen and elected by the voters of the three counties in which they are to sit? This

would be bringing the doctrine to perfection, and he asked those who advocated it, why they did not carry it out? The division of the state into three grand divisions, and having them vote separately and for different general officers, would have the effect of alienating the different sections of the state, and cause sectional feelings to spring up, which would be felt in the decisions of the court, as the judges would naturally be governed by the same feelings as those entertained by the people who elected them. Such would not be the case if they were elected by general ticket, for then they would be above all local feelings, and not influenced by sectional interests, but would seek to act as a court for the whole state and the whole people. He would prefer the election of the judges by the whole people, but rather than vote for the district system, he would vote for their appointment by the Governor and Senate.

Mr. KITCHELL was opposed to the elective system, both general ticket and district, and in favor of the old and long tried plan of appointment by the Governor and Senate; and this, if from no other reason than because of the objections urged against the two elective plans, by the respective opponents of each.

We have a full report of Mr. K.'s remarks, but they are crowded out by the press of matter.

Mr. CALDWELL said, that at length he had succeeded in catching the eye of the speaker. He desired to say a few words upon the question, upon which he was sorry to say he was separated from many of the friends with whom he generally acted; and he was separated from them only because his most solemn convictions were in favor of the position he occupied. He was in favor of a free, pure, upright and independent judiciary. Without independence the judiciary became an engine of tyranny, it became a central consolidated despotism. A pure and independent judiciary had always been sought; it was a theme on which all the light of the common law had shone. It is now proposed to establish an impure, a political judiciary—the plan is before us. A gentleman has advocated, here, to-day, the election of the judiciary by general ticket, because that is the mode, in his opinion, to make it independent. That gentleman is too new a convert to the elective judiciary for me to follow. Mr. C. remembered

when he (Mr. SCATES) opposed the elective system. He has but lately become an advocate of it. I have studied it long, have always been in favor of it, and it is to be presumed know something about it. Sir, when you make the judiciary elective by general ticket you concentrate its powers, it becomes a central power, and as such it is highly dangerous, and should be avoided. There is but one basis upon which all elections are founded, and that is upon representation. The elective judiciary is a representative body; all our elections are upon the principle of representation. Our Congress, our Legislature, and all deliberative bodies, are representative assemblages, and they are all elected by districts. We have now a better court than any that can be chosen by general ticket, and it is chosen by districts. Our senate, a tribunal appointed to try impeachments. It is one which is worthy of the highest respect, and upon which the utmost confidence is reposed, and it is chosen by districts.

New York and Mississippi have set us precedents for choosing the judges of this court by districts. In New York the highest court—the court of final resort—is composed of four judges chosen by general ticket, and the balance from districts. When the conventions to frame the constitutions of the states of Mississippi and New York were in session, they approached this subject with much caution and deliberation, and they, with great care and prudence, threw around the elective judiciary the safeguard of a district system. Appeals have been made, of a party character, to save the state from an abolition bench. An appeal was made here the other day, by certain northern gentlemen, to us, from the south, to come to their aid. They have called upon us hard money democrats of the south to come to their aid, and save them from the control of the abolition whigs of the north. This party spirit should not be followed, should not be permitted to enter into the choice of judges of the supreme court. But under the general ticket system party will rule, will control and govern the election of the court. No matter what party may be in power at the time of the election, it may be, as the gentleman from Montgomery has said, that the Rough and Ready party will then be dominant; but be that as it may whatever party is in power, that party will have the whole bench under their rule. Then will

we have a party convention to nominate these judges, and their nominations will be confirmed. We know how these conventions are got up. We know that no man will ever be nominated by them, except men long known as keen and wily politicians—party leaders. Then, sir, look at the supreme court that you will have. Not only a party bench, but one composed of politicians, elevated there because they are such politicians, and whose decisions will be in conformity with the views of the party elevating them. We will then have, sir, a central power created in the state. We will have a consolidated judicial despotism, in the shape of a supreme court. Such will not be the case with the district system; its power and its responsibility are divided; it looks to different interests for its support, and cannot become so dangerous. For this district system, which is denounced as not orthodox, we have not only the precedents of New York and Mississippi, but also of two great leaders, Thomas H. Benton and Silas Wright, who have advocated it, and fought for it, in the halls of Congress. They have shown its benefits and advantages, when battling for it, as a rule to govern congressional elections. This report of the majority of the committee is a compromise report. They went out of this Convention with a decided majority in favor of their plan, but, to obviate all objections, they have made a compromise report. They have yielded so far on this district system, as to consent that the Legislature, after the first election, in case the mode does not work well, may change the manner of election. In this they have yielded much; as much as gentlemen should ask, and he hoped the Convention would sustain the report throughout all its provisions.

Mr. BOND addressed the convention in support of the majority report, and

Mr. BROCKMAN in favor of the minority report and the general ticket system.

The question was then taken, by yeas and nays, on the motion of Mr. DEMENT to substitute the minority report, No. 1, for the first twelve sections, of the majority report and resulted—yeas 64, nays 84.

The report of the majority was then adopted as a substitute for all the propositions that had been heretofore before the con-

vention and which had been referred to the select committee; and it was then taken up section after section.

SEC. 1. The judicial power of this state shall be and is hereby vested in one supreme court, in circuit courts, in county courts, and in justices of the peace.

Mr. GREGG moved to add to the section:

"Provided, that inferior local courts of civil and criminal jurisdiction may be established by the general assembly, in the cities of this state, but such courts shall have a uniform organization and jurisdiction in such cities."

Messrs. GREGG, WILLIAMS and PETERS advocated the amendment; and it was adopted.

Mr. FARWELL moved to strike out all after "circuit courts" and insert: "and such other courts of inferior jurisdiction as the legislature, from time to time may create;" which was rejected.

And the section as amended [was] adopted.

SEC. 2. The supreme court shall consist of three judges, any two of whom shall form a quorum; and the concurrence of two of said judges shall in all cases be necessary to a decision.

Mr. SINGLETON moved to add thereto:

"And no person who has once been elected or appointed judge of any court of record created or authorized by this constitution, or by any act of the general assembly of this state after the adoption thereof; or who shall have entered upon his or their official duties or otherwise signified his or their acceptance of the office, shall be eligible to an election or an appointment to any like office created or authorized as aforesaid, nor shall any such person be eligible to any other office in the gift of the people or of either of the departments of the government of this state for the period of two years after the expiration of the term for which he or they were elected or appointed judge."

Mr. BOSBYSHELL moved the Convention adjourn; which motion was negatived.

The question was then taken on Mr. SINGLETON'S amendment, and it was rejected—yeas 62, nays 109.

Adjourned.

LIV. FRIDAY, AUGUST 13, 1847

Prayer by Rev. Mr. SHIELDS.

Leave of absence for eight days was granted to Mr. BUNSEN, in consequence of sickness; and of ten days to Mr. KNAPP of Scott; and eight days to Mr. DUNN and Mr. KITCHELL.

Mr. SIM presented a petition praying an exemption of a homestead, &c. from execution, &c ; which petition was laid on the table.

A call of the convention was ordered, and after some time a quorum appeared.

Mr. SPENCER asked a suspension of the rules to enable him to offer a resolution that hereafter the afternoon sessions shall commence at 2 p. m., and the convention refused to suspend the rules—yeas 81, nays 49—two-thirds not voting therefor.

The question pending at the adjournment on yesterday was on the adoption of the 2d section of the majority report of the special judiciary committee—and being taken was decided in the affirmative.

Mr. BUTLER moved to postpone for the present the consideration of the intervening sections, and take up the 13th section; which motion was lost.

SEC. 3. The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said judges for the term of nine years; provided, that after the first election of such judges the legislature may have the power to provide by law for their election by the whole state, or by divisions, as it may deem most expedient.

Mr. SERVANT moved as a substitute for the section the following:

"The governor shall nominate, and by and with the advice and consent of the senate, appoint the judges of the supreme court, (two-thirds of the senators elected concurring therein.) Said

judges shall hold their office for the term of fifteen years, and until their successors shall be commissioned and sworn."

Mr. PETERS submitted a modification to the substitute, making the term nine years, and providing for the settlement by lot, so that one would be appointed by the governor and senate every three years.

This, he said, was a compromise with those who desired to break up the old system of appointment during good behaviour. This was a compromise between the two systems, for it reduced the term of office—which was one feature in the old system much complained of by the people.

Mr. SERVANT accepted the modification.

Mr. PALMER of Macoupin said, that the proposition now before them was his favorite, and he addressed the friends of a general ticket to vote for this as far preferable to the district system; and he also thought the friends of the district system would find it much better than the general ticket system. He called upon the opponents of an elective judiciary to stand by it, and they could carry it.

Mr. GEDDES said, he knew but little of matters relative to the judiciary, but he agreed with the gentleman from Macoupin, and thought the old system of appointment the best. His second choice however was not the general ticket system: he preferred the district plan. He saw many evils in the general ticket system, and he supposed the gentleman from Macoupin saw as many in the district system. He would vote for the amendment.

Mr. PRATT said, this subject was a most important one. It was one of the great reforms which this convention was called to adopt, and where there was such a large majority in favor of the elective judiciary, he regretted to see such difference of opinion, and so much feeling shown on the question of the proper mode of carrying this great reform into operation. He had long given the subject much consideration and study, and he confessed his own opinions were not yet satisfactorily settled. His views upon the subject were expressed in a published article, which he read in lieu of his own remarks.

This was his view of the subject, and much better expressed than he could do so. He was in favor of the election of the judges

by the whole people; but if that was voted down he would vote for the district system in preference to the appointment by the governor and two-thirds of the senate.

Mr. BUTLER said, he was in favor of the general ticket system, but inasmuch as that had been voted down by the convention, he would now vote for the district system, as reported by the majority of the committee, because it authorized the legislature to change the mode of election to whatever plan the people may desire. It was in his opinion a fair and honorable compromise, and the friends of the general ticket ought to support it.

Mr. HARVEY asked for a division, so as to vote first on striking out.

Mr. DAVIS of McLean opposed the division of the question.

Mr. LOCKWOOD said that, from his peculiar position, it would be but proper that he should define it. He did so as follows:

I believe that long terms and competent salaries are the only sure basis of an independent, upright and able judicial system—and I am yet to learn that the tenure of *good behaviour* with a competent salary is not best calculated to secure these desirable results. I am however satisfied that the tenure of good behaviour has received the condemnation of the people. I am, therefore, for the next best plan that can be obtained to secure these objects; I am of opinion that the amendment of the gentleman from Randolph is the best that there is any probability of getting. I shall therefore go for it if it can be amended so as to render the judge ineligible.—I cannot vote for the proposition of the gentleman from Peoria, fearing as I do, that the short terms contained in it and the reëligibility of the judges will produce the evils of a dependent and time-serving judiciary.

Mr. ARMSTRONG offered the following as a substitute for the amendment:

"The justices of the supreme court shall be elected by the qualified voters of the state, on the first Monday of March, after the adoption of this article; returns whereof shall be made to the secretary of state, who shall count the same in the presence of the governor and auditor, or either of them; the three persons having the highest number of votes shall be elected."

Mr. PALMER of Macoupin, said that he hoped the

amendment would be withdrawn and that a fair opportunity might be given to the friends of the appointment by the governor system, to record their votes upon the journal in favor of their plan. He thought it a want of courtesy to deny them this poor privilege.

Messrs. KNOWLTON and WEST expressed the same views, and hoped that a fair vote might be had.

Mr. ARMSTRONG replied, that his object was to have a fair direct vote upon the general ticket system, and if that was voted down, then he would vote with the friends of the old system.

Mr. PALMER of Marshall thought the district system was the choice of the majority and would vote for that.

Mr. ARMSTRONG withdrew his amendment.

Mr. LOCKWOOD offered the following as a substitute for the amendment:

"The judges of the supreme court shall be appointed by the governor, by and with the advice and consent of two-thirds of all the senators elected; and shall hold their offices for the period of fifteen years, and until their successors are appointed and qualified, and the said judges shall not be re-eligible to said office."

The question being taken thereon, it was rejected—yeas 12.

The question recurred upon the amendment first proposed and it was rejected—yeas 38, nays 103.

Mr. ARMSTRONG renewed his amendment as a substitute for the section.

Mr. SINGLETON moved to amend the substitute by adding thereto—"and be forever ineligible to re-election;" which was rejected.

Mr. PRATT moved as a substitute for the substitute the following:

"The state shall be divided into three districts, as nearly equal in population as may be. The justices of the supreme court shall be elected by the qualified electors of the state, one of whom shall be selected from, and reside in, each district;" which was rejected—yeas 42, nays 80.

The question was taken, by yeas and nays, on the substitute proposed by Mr. ARMSTRONG, and it was rejected—yeas 60, nays 78.

Mr. GEDDES offered an amendment, providing for the appointment of the judges by the governor and a majority of the senate, &c.

Mr. CONSTABLE moved the previous question; which was ordered.

The question was taken on the amendment and it was rejected.

The question recurring on the adoption of the section:

Mr. KENNER asked for a division so as to vote first on the part preceding the proviso, and the convention, by yeas and nays, refused to divide the question—yeas 40, nays 95.

The section was then, by yeas and nays, adopted—yeas 88, nays 53.

Mr. CONSTABLE moved a reconsideration of the vote just taken; and it was refused.

SEC. 4. The office of one of said judges shall be vacated after the first election held under this article, in three years, of one in six years, of one in nine years, to be decided by lot, so that one of said judges shall be elected once in every three years; the judge having the longest term to serve shall be the first chief justice, after which the judge having the oldest commission shall be chief justice.

Mr. HOGUE moved to strike out the words "three," "six" and "nine" where they occurred and to insert in lieu thereof the words "two," "four," and "six."

Mr. KNOWLTON offered as a substitute for two, four and six, the words, "four," "eight" and "twelve."

The question was first taken on striking out, and was decided in the negative.

The section was then adopted, as was also,

SEC. 5. The supreme court may have original jurisdiction in cases relative to the revenue, in cases of *mandamus*, *habeas corpus*, and in such cases of impeachment as may be by law directed to be tried before it; and shall have appellate jurisdiction in all other cases.

SEC. 6. The supreme court shall hold at least one term annually in each of the aforesaid grand divisions, at such times and places as the general assembly shall by law direct; provided, how-

ever, that the general assembly may, after the year eighteen hundred and fifty, direct by law that the said court shall be held at one place only.

Mr. MARKLEY moved to strike out "at one place only" and insert "in each judicial circuit."

Mr. MINSHALL offered as a substitute for the amendment the following:

"And provided that the legislature, after the year 1850, may increase the number of judges to four, but after that addition, the number of justices of the supreme court shall not be increased nor diminished."

Mr. WITT moved to lay both on the table; which motion was carried.

Mr. ARMSTRONG moved to insert before the words "places," the words "place or;" which motion was agreed to.

Mr. HARDING moved to add to the section the words, "in each grand division."

Mr. HURLBUT offered as a substitute therefor, to be added to the section, "in the state."

Pending which, the convention adjourned, till 3 p. m.

AFTERNOON

No quorum appearing, a call of the Convention was ordered, and, after some time, 128 members appeared.

Mr. HARDING withdrew his amendment.

Mr. HURLBUT renewed his motion to add to the section the words "in the state;" and the motion was carried—yeas 59, nays 54.

Mr. HARDING moved to strike out all of the section after the word "divisions."

The question being taken thereon, by yeas and nays, was decided in the negative —yeas 64, nays 69.

Mr. GEDDES moved to strike out "or places." Rejected.

Mr. CONSTABLE moved to strike out the section, and substitute therefor the following:

"The supreme court shall hold one term annually in each of the aforesaid grand divisions, at such time and place in each grand division as shall be directed in this constitution, and the three grand divisions shall be as follows: The counties of————

shall form the first division, and the supreme court shall be held at————————, in the county of————————," &c.

Mr. MARSHALL of Coles offered as a substitute therefor the following: "One term of the supreme court shall be held annually in each judicial circuit, at such time and place as shall be provided;" and the same, by yeas and nays, was rejected—yeas 47, nays 90.

Mr. HARVEY asked for a division, so as to vote first on striking out, and it was refused. The question was then taken on the substitute of Mr. CONSTABLE, and it was rejected—yeas 63, nays 71.

Mr. ECCLES moved the previous question; which was refused.

Mr. HOGUE moved to strike out the section; and insert: "The supreme court shall be held at the seat of government once or more in each year, at such time as the General Assembly may direct."

Mr. HARDING offered as a substitute therefor: "The supreme court shall hold one or more terms, annually, in but one place in each grand division."

Mr. POWERS moved the previous question; which was ordered.

The question was then taken on the substitute of Mr. HARDING, and it was rejected—yeas 68, nays 69.

The question being taken on Mr. HOGUE'S amendment, it was rejected—yeas 40, nays 97.

The question recurring on the adoption of the section, it was adopted—yeas 85, nays 52.

Mr. ROUNTREE moved to postpone the consideration of the intervening sections, (relating to the circuit court) and take up the 13th section; which motion was carried.

SEC. 13. There shall be in each county a court, to be called a county court.

Mr. ARMSTRONG moved to substitute therefor the following: "There shall be in each county in this state a county court, to consist of one judge and two associates, who shall be elected by the qualified voters of the county, on the same day fixed for the

election of other judicial officers, who shall hold their offices four years, and until their successors are elected and qualified."

Mr. SINGLETON moved to substitute therefor: "There shall be in each county in this state a county court, to be composed of the justices of the peace of the several counties, and no other tribunal shall hereafter be created for the management and direction of such matters as may pertain to the internal regulations of the counties. Said justices shall not be allowed any other compensation for their services as members of said court, than exemptions from military duty and labor upon the public highway. Said court shall have original and exclusive jurisdiction of all cases to which the county is or may be a party, and shall exercise all the powers and duties of probate court, not conferred by law upon the circuit court, and such other jurisdiction as the Legislature may confer."

Mr. ROUNTREE advocated the original section.

Mr. CRAIN said, the amendment proposed by Mr. ARMSTRONG was the first section of the report of the committee on Miscellaneous Questions, and it had been reported in obedience to instructions passed by the Convention.

Mr. CONSTABLE said, there could be no sort of disrespect to the committee on Miscellaneous Questions, if the Convention preferred the report of the Judiciary committee, which he hoped would be done.

Mr. SINGLETON addressed the Convention in support of his amendment and in opposition to the section as reported.

Pending the question thereon—

Mr. LOGAN (by leave) offered the following resolution, which was adopted:

Resolved. That a committee of nine—one from each judicial circuit—be appointed to divide the state into three grand divisions, for the election of judges of the supreme court.

2. That said committee be instructed to make said divisions as nearly equal in population as practicable; are to make said divisions by lines running, as nearly as may be, east and west across the state with county lines.

3. That said committee be instructed to fix one place in each

grand division for holding the supreme court, until otherwise provided by law.

And Messrs. LOGAN, GREGG, PRATT, PETERS, HARVEY, HARLAN, CALDWELL, BROWN, and THOMAS were appointed the committee.

Mr. PALMER of Macoupin, from the committee on Education, made a report; which was read, laid on the table and 250 copies ordered to be printed.

And then the Convention adjourned.

LV. SATURDAY, AUGUST 14, 1847

The PRESIDENT having been called home, in consequence of sickness in his family, the Convention was called to order by Mr. ROUNTREE, who moved that Mr. Z. CASEY be appointed president *pro tempore*; which motion was unanimously concurred in, and

Mr. Z. CASEY took the chair.

The question pending at the adjournment yesterday, was on the proposed substitute of Mr. SINGLETON for the substitute, offered by Mr. ARMSTRONG, for section thirteen of the report of the majority of the select committee on the Judiciary.

Mr. SINGLETON withdrew his amendment.

Mr. ARMSTRONG modified his proposed substitute to read as follows:

"There shall be in each county in this state a county court, to consist of one judge and two associates, who shall be elected by the qualified voters of the county, as shall be provided by the General Assembly, who shall hold their offices four years and until their successors are elected and qualified."

Mr. ARCHER moved to amend the amendment, by inserting after the word "associates" the words: "the latter being justices of the peace, to be drawn alternately from each precinct in the county."

Mr. CONSTABLE moved the previous question; which was seconded.

The question was then taken on the amendment of Mr. ARCHER, and decided in the negative.

The question was then taken on the amendment of Mr. ARMSTRONG, by yeas and nays, and it was rejected—yeas 46, nays 82.

The question was then taken on the adoption of the 13th section, and it was adopted.

Sec. 14. One county judge shall be elected by the qualified voters of each county, who shall hold his office for four years, and until his successor is elected and qualified.

Mr. WEST moved to strike out the section, and insert in lieu thereof the following:

"There shall be established in each county in this state a court of probate, which shall be a court of record, to consist of one officer, who shall be elected by the qualified voters of the counties, respectively, and be styled the judge of probate; whose compensation shall be regulated by law. The courts of probate shall have jurisdiction in matters relating to the settlement of the estates of deceased persons, executors, administrators and guardians, and such other jurisdiction as may be assigned to them by law."

Mr. PALMER of Macoupin moved to amend the amendment by adding to it the following:

"And the justices of the peace of the counties in this state shall be divided into four classes, by lot; and one of said classes shall sit with said judge of probate at each quarterly term, for the transaction of county business; *Provided*, all the justices of the peace of the counties shall be entitled to seats in said court, but only the class required to sit in said court shall receive compensation for their services."

And the question being taken thereon, it was rejected.

The question recurring on the amendment of Mr. WEST, it, too, was rejected, by yeas and nays—yeas 25, nays 100.

The question was then taken on the adoption of the section, and it was adopted.

Mr. SCATES moved to pass over, informally, the next three sections, and to take up the 18th section.

The question being taken thereon, it was rejected.

Sec. 15. The jurisdiction of said court shall extend to all matters of probate, with such other jurisdiction as the Legislature may confer in civil cases, and such criminal cases as may be prescribed by law where the punishment is by fine only, not exceeding one hundred dollars.

Mr. ROBBINS moved to amend the section by adding: "all pleadings in said court shall be oral."

Mr. ROBBINS modified his amendment to read as follows: "Special pleadings in the county court in relation to matters of probate, and in relation to county business, shall not be required."

Messrs. DAVIS of Montgomery, PETERS, CONSTABLE, HARVEY and CHURCH opposed the amendment, and Messers. SCATES, PALMER of Macoupin and ROBBINS advocated it.

And the question was taken thereon, and rejected.

Mr. SHIELDS moved to amend the section by striking out all after the word "probate," and insert instead: "and all county business, with such other business as the Legislature may impose;" which was rejected.

Mr. ARMSTRONG moved to strike out all after the word "where," and insert: "the offence is not capital or punishable by imprisonment in the penitentiary;" and the amendment was rejected.

Mr. CALDWELL moved to strike out the words "matters" and "with," in the first line, and insert instead of "with" the word "and;" and the same was carried.

Mr. DEITZ moved to amend the section by striking out "law;" and the motion was rejected.

Mr. FARWELL moved to add to the section; "*Provided*, that no lawyer shall in any case be permitted to practice in such court."

Mr. CONSTABLE moved to lay the amendment on the table.

On which motion the yeas and nays were ordered, and resulted—yeas 117, nays 15.

Mr. ADAMS moved the previous question.

Pending which, the Convention adjourned till 3 P. M.

AFTERNOON

On motion, a call of the Convention was ordered, and, after some time, 116 members answered to their names.

The demand for the previous question being pending at the adjournment, it was put and ordered.

The question was then put on the adoption of the 15th section, and it was adopted—yeas 79, nays 45.

Sec. 16. The county judge, with two or more justices of the peace, to be designated by law, shall hold terms for the transaction of county business, and shall perform such other duties as the General Assembly shall prescribe; *Provided*, the Legislature may require that the two justices, to be chosen as may be provided by law, shall sit with the county judge in all cases.

Mr. SMITH of Macon moved to strike out the words "of the peace to be designated by law," and to insert in lieu thereof, "to be chosen in the same manner as the county judge."

The question being taken thereon by yeas and nays, it was decided in the affirmative—yeas 68, nays 61.

Mr. JONES moved to strike out the words "or more," in the first line.

Mr. DAVIS of Montgomery opposed the motion.

Mr. NORTHCOTT expressed himself in favor of the amendment.

The question being taken thereon, it was carried—yeas 71, nays 50.

Mr. SINGLETON moved to amend the section so as to read as follows: "The county judges, consisting of the justices of the peace, shall hold terms," &c.

Mr. SINGLETON expressed himself at considerable length in opposition to the report of the committee, and the course that had been pursued in relation to it. He thought that other members of the Convention had interests at heart, had the views of their constituents to be expressed, as well as the immaculate committee of twenty-seven, who had uniformly voted against every proposition, and opposed even the consideration of any amendment that had been offered to their report. For one he had offered the amendments which he considered as carrying out the views of his constituents, though he knew that it was useless to attempt to carry them. He and many others who were anxious to present the sentiments of their constituents had been voted down and cut off by the majority, who seemed determined to carry the report through without time for consideration, or an opportunity to amend. He felt certain that so far as he was concerned, his constituents would not adopt the report in this particular, and that he would not vote for the constitution with these provisions in it.

The question was taken on the adoption of Mr. SINGLETON's amendment, and it was rejected.

Mr. EDWARDS of Sangamon moved to insert after "business," in the 2d line, the words "and as many more justices of the peace as may be designated by law."

And the question being taken, the amendment was rejected.

Mr. BROWN moved to strike out the proviso at the end of the section. The question being taken, resulted yeas 65, nays 39; no quorum voting.

Mr. VANCE demanded the yeas and nays, which were ordered, and resulted—yeas 102, nays 22.

Mr. SHIELDS moved the previous question, which was seconded.

The section now stood as follows:

SEC. 16. The county judge, with two justices to be chosen in the same manner as the county judge, shall hold terms for the transaction of county business, and shall perform such other duties as the General Assembly shall prescribe.

The question was taken by yeas and nays on the adoption thereof, and it was decided in the affirmative—yeas 80, nays 48.

Mr. WEAD moved to reconsider the vote just taken.

Mr. MANLY opposed the motion to reconsider, because the gentleman from Fulton had a scheme of uniting the probate, circuit and district courts.

Mr. LOGAN hoped the motion to reconsider would prevail.

Mr. TURNBULL moved the Convention adjourn; which motion was rejected.

The question being taken on reconsidering, it was decided in the negative—yeas 45, nays 63.

Mr. SCATES (by leave) offered the following resolution; which was adopted:

Resolved, That a select committee of one from each judicial circuit be appointed with instructions to report a schedule providing for the time and manner of submitting the constitution to be voted upon by the people, and also such provisions as may be necessary, in case of its adoption, for organizing and adjusting the government under its provisions.

Messrs. SCATES, SERVANT, MANLY, DUMMER, THORNTON, HENDERSON, STADDEN, ARCHER, and HARPER were appointed the committee.

And then, on motion, the Convention adjourned.

Mr. SCATES moved a suspension of the rules to enable him to offer the following resolution; and the rules were suspended.

Resolved, That———— thousand copies of the constitution and schedule, as revised and amended, be printed and distributed according to population to the several counties, for the use of the people.

Mr. WHITESIDE moved to fill the blank with 20,000.

Mr. MARKLEY moved to fill the blank with 50,000.

Mr. ROBBINS proposed 80,000; lost, and 50,000 was inserted, and the resolution was passed.

Leave of absence for four days was granted to Messrs. DEMENT and CROSS of Woodford.

Mr. SHERMAN, (by leave) from the committee on Finance, made a report, which was read, laid on the table, and 250 copies ordered to be printed.

Mr. CONSTABLE moved to suspend the rules to enable him to offer the following resolution:

Resolved, That a committee of one from each judicial circuit of the state be appointed to prepare an address, to be submitted to the people of this state in connection with the proposed constitution.

The rules were suspended, and the resolution was adopted—yeas 80, nays 55.

And Messrs. CONSTABLE, DAVIS of Massac, DALE, MARSHALL of Mason, WEAD, CAMPBELL of Jo Daviess, DAWSON, KNOWLTON, and BALLINGALL were appointed the committee.

Mr. WEAD presented a petition from sundry citizens of Fulton county, praying a prohibitory clause in the new constitution against banks and banking; which was read.

Mr. WEAD moved that it be referred to a select committee of nine.

Mr. ADAMS moved it be referred to the committee on Banks and Corporations.

Mr. ARMSTRONG asked if there were any such committee? The PRESIDENT said there was not.

Mr. McCALLEN moved its reference to the committee on Incorporations.

Mr. WEAD said, that he desired that this petition should receive a respectful hearing, and as the committee on Incorporations had expired, he hoped the subject would be referred to a committee favorable to its object, and that a report on the subject might be had.

Mr. HARVEY informed the gentleman from Fulton that the committee on Incorporations had not expired, nor had any member of it expired.—The committee, however, were as little anxious to have the subject referred to them as was the gentleman from Fulton to refer to it.

Mr. PALMER of Macoupin hoped the subject would not be referred to the committee on Incorporations. They had reported their views on the subject, and the Convention had shown its opinion of that report by rejecting it. The subject now came up on a petition from certain citizens of Fulton county, and they should be respectfully heard, and it ought to be referred to a select committee favorable to its object.

Mr. McCALLEN hoped this question would be referred to the committee on Incorporations, because that was the proper committee to examine into the matter. He hoped that the Convention would not again be occupied with this exciting subject. Already days had been wasted in fruitless endeavors, by its friends, to carry it through, and the Convention had over and over voted it down by decisive majorities. He earnestly hoped the balance of the session would not be disturbed by the subject.

Mr. CALDWELL said, that he hoped the petition would not be referred to the committee on Incorporations. That committee had already reported to the Convention its opinion on the subject, and that opinion was adverse to the objects of the petitioners. He said this subject had been before them on former occasions, but never fairly. The opponents of a prohibitory clause would not allow it to be presented in a proper shape; and it would be persisted in by its friends till it did have a proper hearing. He had said so before, and said so now, that he would present the subject

to the Convention every time an opportunity was afforded.—Moreover, he informed gentlemen of all parties that the whole people of the south and thousands at the north would vote against any constitution which did not allow them in some way to express their sentiments of condemnation and opposition against banks. He hoped the petition would be referred to a select committee, from whom we can have a report that will present the question in a proper shape.

Mr. NORTHCOTT said, that he was in favor of referring the subject to a select committee. The gentleman from Fulton had a great desire to be chairman of a committee, and had been at home, among his constituents, for a week or more. During which time he had, no doubt, gone to considerable trouble to get up this petition, and it would certainly be mortifying to the gentleman, after all this, to be denied the satisfaction of a select committee.

Mr. WEAD rose to address the Convention, when he was called to order.

Mr. W. said, that no member with any proper regard for himself, as a member of the Convention, would attribute to him any impure or dishonest motives, and then attempt to choke him off in his reply.

Mr. McCALLEN inquired if the gentleman had not spoken once? If so, why was he allowed to proceed? He had been choked off under the rules several times.

The PRESIDENT said the gentleman could explain.

Mr. WEAD said, he only desired to explain. He merely wished to say to the member from Menard, that any man who attributed to him any motive or conduct in presenting this petition other than honorable and patriotic, he was sadly mistaken; and before any person made any such accusation as had been made by the member from Menard, he ought to be, at least, prepared to prove it. So far as this petition was concerned, he had nothing to do with getting it up, and knew nothing of it till it was handed to him to present.

The petition was then referred to the select committee of nine.

And Messrs. WEAD, BOSBYSHELL, Z. CASEY, WILLIAMS, SMITH of Gallatin, STADDEN, CAMPBELL of Jo Daviess, DAVIS of Montgomery, and CROSS of Winnebago were appointed the committee.

The Convention then took up the report of the committee on

THE JUDICIARY

Mr. ROUNTREE offered as an additional section to be inserted after the 16th section, the following:

"The General Assembly may provide by law, that a certain number of the other justices of the peace of the respective counties, to be designated by law, may sit as members of said court, upon such occasions, at such terms as may be prescribed by law; who shall receive no pecuniary compensation for such service, but may be exempted from road labor, and such other duties as by law may be specified."

Mr. WITT offered a substitute therefor.

Mr. DAWSON enquired if a motion to reconsider the whole action of the Convention upon the subject of a county court, would be in order?

The PRESIDENT said it could not be done by one vote, but each vote would have to be reconsidered separately.

Mr. MARKLEY reminded the Chair that a vote had been taken on a motion to reconsider the adoption of the sixteenth section, and it was refused.

The PRESIDENT said, the motion to reconsider was, therefore out of order.

Mr. ROUNTREE then withdrew his proposed section.

Section 17 was read—

"Sec. 17. There shall be elected biennially, in each county, a clerk of the county court, who shall be *ex officio* recorder, whose compensation shall be fees."

Mr. CONSTABLE moved to amend the same by prefixing thereto the following:

"The county judge, with such justices of the peace, in each county, as may be designated by law, shall hold terms for the transaction of county business, and shall perform such other duties as the General Assembly shall prescribe; *Provided*, the Legislature may require that two justices, to be chosen by the qualified electors of each county, shall sit with the county judge in all cases;" and to strike out "biennially," and insert "quadrennially" in lieu thereof.

Mr. CONSTABLE advocated his amendment. It contained the views of the Convention expressed, on Saturday morning, by several votes.

Mr. DAVIS of Montgomery was in hopes the amendment would be adopted.

Mr. ARMSTRONG opposed the amendment. The Convention, on Saturday afternoon, by a vote of 80 to 45, had settled the subject, and he hoped the little time now left before the adjournment would not be consumed in reconsidering questions which had been decided by the Convention.

Mr. EDWARDS of Madison explained his course in relation to the subject of the judiciary. He said, that his object and motive in moving the subject of the judiciary be referred to the select committee, was owing to the peculiar circumstances of the time, and the great dissatisfaction shown at the action upon the subject in the committee of the whole; and in the hope of bringing about a compromise that would be acceptable to a majority of the Convention. His own views were in favor of the appointment of the judiciary by the Governor and Senate. He had compromised his own views in order to bring about concession and harmony, and he regretted the statement that the reference of the subject to a select committee had been the cause of the delay, and the consumption of more than two weeks of the time of the Convention.

Mr. WHITNEY expressed himself in favor of the amendment, and disclaimed any intention to practice demagogueism in supporting an amendment that supposed all classes of the people competent to perform the duties of judges.

Mr. SCATES explained, that he had no intention to impute unkind motives to the gentleman from Madison when he stated that much time had been lost by the reference to the committee. Such was, in his opinion, the fact, but he had no intention to impugn the gentleman's motives.

Mr. WITT offered a substitute for the amendment; which was laid on the table—yeas 73, nays 42.

Mr. AKIN moved the previous question; which was ordered.

The question was then taken on the adoption of the amendment of Mr. CONSTABLE, by yeas and nays, and decided in the affirmative—yeas 80, nays 59.

The question recurring on the adoption of the section as amended,

Mr. HAYES asked for a division, so as to vote upon the latter part of the section separately.

Mr. CONSTABLE objected, and the call for a division was withdrawn.

The question then recurred on the adoption of the 17th section, as amended; was taken by yeas and nays, and it was decided in the affirmative—yeas 79, nays 55.

Mr. ARMSTRONG offered as an additional section:

"The General Assembly shall have power to reorganize the county court, provided for in this article, and vest its jurisdiction in one or more tribunals, to consist of such officer or officers as shall be provided by law."

Mr. HARVEY hoped it would be adopted. Under the present state of the report, there could be no possible tribunal for business in the county except by this one county court. This court would have civil and criminal jurisdiction, probate and county business. No such court was ever heard of before. On one side would be the widow and orphan, on the other a petition for a road. Widows and orphans, roads and small crimes all commingled into one tribunal and to be tried by one judge and two justices of the peace. This was an experiment and before gentlemen went so far in the reform it would be wise to pause and consider the extent of their reform. He hoped the amendment would be adopted and then the Legislature could change the organization of the court if desirable.

Mr. CALDWELL replied that the gentleman from Knox was mistaken in his view of the case. The justices of the peace were only to be associated with the county judge in county business; and it gave the Legislature the power to provide that there should be two justices elected to sit with him in all cases.

Mr. DAVIS of Montgomery said, that in respect to the matter complained of by the gentleman from Knox, the report stood just as it did before, when that member was in favor of it.

Mr. FARWELL thought that there could be no objection to the plan proposed by the gentleman from LaSalle. There was so much difference of opinion here upon the subject of a county

court, scarcely any two members concurring upon the best mode, that it was impossible for us to frame any system that would be satisfactory to the people.—He thought it best to leave the subject to the Legislature to provide such courts, as the people desired.

Mr. CONSTABLE opposed the proposition of the gentleman from LaSalle, it was nothing more than throwing open the doors of the Legislature to change and increase the number of tribunals in the counties. This was one evil which the constitutional provision was intended to prevent; and one which the people demanded of us. The present system was a very bad one, and why did not the Legislature change it—they have the power?

Mr. DAVIS of McLean opposed the section of the gentleman from LaSalle, and explained the county court as it now stood organized by this report.

Mr. WEST offered the following as a substitute for the proposed section:

"That in all cases, where the population in a county according to the census of the county as last taken, shall exceed 10,000 inhabitants, the office of recorder shall be a separate and distinct office."

Mr. HARVEY was in favor of the substitute as a separate section, because it would defeat the amendment of the gentleman from LaSalle. He had never misstated the county court as it presented itself at present under the report. The system proposed was a transcript of the New York constitution, and he feared we were getting more of that constitution in our own than would be acceptable to the people of Illinois. The county court now was this: that, as had been said, the best lawyer in the county was to be county judge. That he was to have jurisdiction over all probate matters, all county matters, all criminal matters, and some civil matters. Was any such court ever heard of before? It was true that in county matters he was to have the assistance of two justices of the peace, and also, in probate matters, he was to be aided by two justices of the peace, to be chosen—no one knows how. But the grand feature was, that he might, upon general subjects, have the aid and assistance of fifty justices of the peace. If the "best lawyer in the county" was to be enlightened by the

aid and consultation of fifty justices of the peace, he could not see how it was to be done. This last feature was not, however, taken from the constitution of the state of New York, but it was apparently the intention to make a constitution for the state of Illinois, made up by patches and shreds taken from other constitutions. There seemed to be a sort of hydrophobia fear on the part of gentlemen to give the Legislature any power upon this subject. The Convention should not suppose that they were superior in intellect or virtue to any body that would hereafter be assembled in this state, and those who were in favor of this county court system, as proposed by the committee, ought to be satisfied with having it fixed in the constitution, and in case it was found to work badly, let them leave with the Legislature the power to change it to another. They ought to be satisfied with having the honor to be styled the fathers of this system, in case it worked well; but if it was found to be unsatisfactory, they ought to give the Legislature power to change it.

Mr. DAVIS of McLean replied to the gentleman from Knox, by reminding him that in the circuit court, to which an appeal could be taken from the county commissioners' court, there were often tried a case of probate, of a road, a criminal case, a civil case, and a bill in chancery, all in one day, and all his ridicule was certainly not more applicable to the county court than to the present circuit court. The gentleman need not have gone farther than the circuit court, in Knox county, to have known this.

Mr. WEAD opposed, at much length, the whole report of the majority of the select committee, and particularly the county court system.

Mr. LOGAN replied and defended the committee.

Mr. HURLBUT rose, but gave way to a motion to adjourn.

And the convention adjourned till 2 P. M.

AFTERNOON

Mr. HURLBUT replied to the member from Fulton, and defended the majority of the select committee.

Mr. ARMSTRONG was in favor of the substitute of Mr. WEST, and would vote for it as a separate section, but it had been offered as a substitute for his own amendment, which he deemed

of great importance. He considered that the matter should be tested, and that, if the people should become dissatisfied with their so much extolled county court system, it might be changed. It was an insult to the intelligence of the people, to pretend that there would be no men ever chosen to the Legislature hereafter, who had not equal virtue and intelligence with any in the Convention. He hoped the matter would be left in the power of the Legislature to change the system, in case it was not satisfactory to them. He had nothing to say concerning the actions of the committee or of their midnight proceedings. He would merely say that he was not a member of the committee, and he was glad he was not, for he would be very unwilling to have this report, so far as it relates to the county court system, go forth as a production of his. Mr. A. then pointed out the defects in the system which he thought would not be acceptable to the people.

Mr. WILLIAMS replied to the several gentlemen who had spoken of the action of the majority of the select committee—particularly to the remarks of Messrs. HARVEY, WEAD and ARMSTRONG.

Mr. SHIELDS moved the previous question; which was seconded.

The question being taken by yeas and nays upon the substitute proposed by Mr. WEST, it was rejected—yeas 45, nays 94.

The question recurred upon the proposed section of Mr. ARMSTRONG, and being taken by yeas and nays, was decided in the negative—yeas 64, nays 74.

Mr. POWERS offered the substitute proposed by Mr. WEST (modified so as to read 12,000 inhabitants) as an additional section.

Mr. GREEN of Tazewell moved to strike out "12,000" and insert "8,000."

And the question was taken on striking out, and resulted—yeas 60, nays 46. No quorum voting.

Mr. KNOWLTON demanded the yeas and nays; which were ordered, and the motion was carried—yeas 78, nays 58.

Mr. MARSHALL of Coles moved to insert 15,000.

Mr. SMITH of Macon proposed 1,000.

Mr. JENKINS proposed 3,000.

Mr. ECCLES moved to lay the whole subject on the table, on which motion the yeas and nays were ordered, and resulted—yeas 43, nays 89.

Mr. WITT proposed 5,000.

The question was taken on filling the blank with 15,000, rejected.

On filling the blank with 10,000—48 yeas. Lost.

Mr. THORNTON proposed 14,000—54 yeas, 68 nays.

Mr. McCALLEN proposed 9,999—32 yeas. Lost.

Mr. MARSHALL moved the previous question—which was seconded.

The question was put on inserting 9,000, and rejected.

On inserting 8,000—yeas 64, nays 70. Lost.

On inserting 5,000, the yeas and nays were ordered and decided in the negative—yeas 61, nays 79.

The question was put on 3,000 and rejected.

On inserting 1,000, the yeas and nays were ordered and resulted—yeas 45, nays 90.

So the convention refused to insert any number in the blank.

The question was taken on the adoption of the section and it was rejected—yeas 32.

Mr. LOGAN offered as an additional section:

"The Legislature may by law make the clerk of the circuit court, ex-officio, recorder, in lieu of the county clerk."

Mr. ARMSTRONG offered the following to be added thereto:

"Provided, that in any county, where the inhabitants shall exceed 4,000, the office of recorder shall be elective by the qualified voters of said county."

Mr. HARVEY supported the proviso, and replied with much severity to the remarks of the gentleman from Adams—delivered earlier in the afternoon.

Mr. WOODSON moved the previous question, which was seconded.

The question was taken by yeas and nays on the proviso, and it was rejected—yeas 50, nays 85.

And then the question was taken on the section as proposed by Mr. LOGAN, by yeas and nays, and the same was carried—yeas 77, nays 55.

Mr. DAWSON offered an additional section.

Mr. SCATES offered as a substitute therefor, the following:

"The legislature shall fix a fee bill for the several officers of this state, whose compensation shall consist of fees for services rendered, and the several county courts shall have power to reduce the rates of fees accruing to any officer in the county, by a certain per cent., when, in their opinion, such fees yield more than adequate pay for the services rendered;" upon which the yeas and nays were ordered; and the same was rejected—yeas 45, nays 80.

The question recurred upon Mr. DAWSON's proposed additional section, and it was rejected—yeas 14, nays 104.

Mr. HURLBUT offered the following as an additional section:

"The legislature may pass a general law authorizing township organization, in all counties in which a majority of the legal voters may at any general election vote for such township organization; and when such township organization shall be established in any county, then the county court hereinbefore provided shall cease to transact county business in such county."

And the question being taken thereon, it was adopted—yeas 92, nays not counted.

SEC. 18. The general assembly shall provide for the compensation of the county judge.

Mr. MARKLEY offered a substitute for the section, which was rejected; he then moved it be added to the section, and it was rejected.

The section was then adopted.

SEC. 19. There shall be elected in each county in this state, by the qualified electors thereof, a competent number of justices of the peace, who shall hold their office for the term of four years, and until their successors shall be elected and qualified, and who shall perform such duties, receive such compensation, and exercise such jurisdiction (not exceeding one hundred dollars) as may be prescribed by law.

Mr. CROSS of Winnebago moved to strike out the words "not exceeding one hundred dollars."

Mr. KINNEY of Bureau and Mr. WHITNEY advocated the amendment. The latter gentleman said that there was not a man in his county, but was in favor of extending the jurisdiction of the

justices of the peace. The people there were unanimously in favor of giving the justices of the peace jurisdiction to a larger amount than one hundred dollars, and he felt himself unanimously instructed by his constituents to vote for the amendment. It was a subject of universal complaint there, and he felt himself bound to carry it out.

Mr. HURLBUT said, he felt himself obliged to say a word or two, after what had fallen from his colleague. He would vote against the amendment because he believed one hundred dollars high enough for justices to exercise jurisdiction over. Moreover he did not know, until he heard it here, that the people of his country were unanimously in favor of it, or that they had instructed their representatives to vote for it. This might be so but he had never heard of it.

Mr. BOSBYSHELL moved to adjourn till to-morrow at 8 a. m.

Mr. KNOWLTON proposed 6 a. m.

Mr. CONSTABLE proposed 5 a. m.

Mr. AKIN proposed 7 p. m. to-day.

And the convention adjourned till 8 a. m. to-morrow.

Mr. EDWARDS of Sangamon presented a petition on the subject of education. Laid on the table.

Mr. HENDERSON presented a petition from sundry citizens of Will county, praying a prohibition of slavery. Referred to the committee on Bill of Rights.

Mr. BOSBYSHELL presented a petition from sundry citizens of Calhoun county, praying that a residence of six months in a county shall be required before voting; and moved to lay it on the table.

The motion was lost, and the petition was referred to the committee on Elections.

Mr. BALLINGALL said, that he had heard his name announced as a member of the committee to draft an address to the people on the new constitution, and asked to be excused from serving on that committee, because he did not, even by implication, desire to be considered as favoring the new constitution, so far as it had been adopted.

THE JUDICIARY

The question pending on the adjournment yesterday was on the motion to strike out the words "not exceeding one hundred dollars," in the 19th section.

Mr. SCATES replied to Mr. WHITNEY on the expediency of destroying all the technicalities of the practice of the law. He agreed with the gentleman, and in the spirit of the report of the Law Reform committee, would go farther, and would reform the language and technicalities of the medical profession. He cited several medical cases coming under his personal observation, where technicalities were discarded by the medical attendants, and the cases resulted happily—one of the patients dying.

Mr. CONSTABLE said that he regretted much the course which this debate had taken. The character of the Convention would be highly elevated by the speech of the gentleman from Boone,

which was a most successful effort of Buncombe and nonsense, if the standard of character adopted by the gentleman was considered a true one. The speech of the gentleman from Jefferson this morning, so far as decency and propriety were concerned, was in keeping with the other.

Mr. C. opposed the amendment proposed. He considered that the jurisdiction of a justice of the peace over the sum of one hundred dollars was high enough, but in anyway he desired to have the jurisdiction fixed in the constitution, and the subject not left open to legislation. At the last Legislature over twenty thousand dollars was expended in time wasted by that body in legislating upon the subject of extending the jurisdiction of justices of the peace from the sum of one hundred to two hundred dollars.

Mr. WITT moved to amend the motion to strike out by adding to it—to insert "three hundred dollars."

Mr. DALE said, that he was in favor of the amendment to strike out the clause, which limited the jurisdiction of justices of the peace to one hundred dollars, not that he wished the Convention to increase the justices jurisdiction, but that he wished the jurisdiction to be left open for the Legislature to increase or diminish hereafter, as occasion might require.

This Convention had pursued a course, in relation to the judiciary, different from that to be found in the constitutions of most of the states. Instead of establishing by the constitution the higher tribunals only, and leaving to the Legislature the establishing of inferior courts, as occasion and circumstances might call for them, this convention had established and determined every court that should exist in the state. Therefore appeared the necessity of leaving some latitude to the Legislature to fix the powers of these courts, and to alter those powers as the exigencies of the state might require. This latitude should particularly be left in the case of justices; for from indications their courts were growing in favor with the people, at the last session of the Legislature a majority in the popular branch having cast their votes to enlarge the jurisdiction of justices. In some respects the justices' court has advantages over all other courts. It is a court always open. It is a court in which justice is administered with less cost to suitors than in any other, and this is a consideration of

some importance. He differed widely from the gentleman from Wabash who had no sympathy for suitors. He had. For he bore in mind how often men were drawn into court against their wills, and when thus forced to defend themselves, he wished them to have the power to do it without being ruined by the expenses attendant on it. As to this matter of expense, the difference was marked between these two courts, the circuit and justices'. In the circuit court every cause must await its turn. The time when a case may be reached is uncertain. Suitors with a train of witnesses are, on that account, frequently kept for an entire week in anxious attendance, at much expense, and at great waste of time. In the justices' court, on the contrary, the day and hour of trial is fixed, and at the time fixed the case is taken up, and, unless for cause is disposed of without delay or loss of time. In the justices' court the merits of a case are developed and justice attained with as much and oftentimes more certainty than in the circuit court. The justice may determine the case or parties may have arbitrators or jurors as in the circuit court. In the circuit court, a case being entered upon, must be disposed of, there is no continuance allowed and if a suitor has neglected or omitted a link in the chain of his evidence he may suffer gross injustice and damage, whilst in the justices' court, the justice, anxious to attain the merits of a case, will continue the cause, after entered into, till each party shall have furnished all his evidence and the case be fully and fairly presented. And thus more exact justice may be done in this court, though not done according to strict legal rules.

If the justices' court possess these advantages over other courts, the Convention should hesitate before [so] limiting its jurisdiction that it could not be extended in the future if necessary. There were cases over which its jurisdiction might safely now be extended. If neighbors have difficulties in their settlements involving the matter of several hundred dollars, and agree, in writing, to refer the matter to a justice, there was no just cause why the justice should not determine it, enter up the judgment and, if necessary, by fixing a transcript, make it the judgment of the circuit court. So if a debter is willing to acknowledge in writing before a justice a judgment to his creditor for a like amount, he could see no reason why he should not have the power so to do, and

the parties be saved the numerous expenses attendant on a suit in the circuit court, and what was of equal or more importance, the delay be avoided which might be of some five, six, or seven months till the holding of a term of the circuit court.

He had not that distrust of the Legislature which some members exhibited. He believed that, as a general matter, legislators reflected the will of their constituents, and if the defining of the powers of justices were entrusted to them there would be little fear of its abuse. So long accustomed to see this a court of limited jurisdiction they would be slow to extend its powers. They would extend them only when it was found preferable to other existing systems, and when, on that account, the extension of its jurisdiction was demanded by the people.

Mr. WHITNEY replied to Mr. SCATES, and traveled over the same medical cases cited by that gentleman. He repeated his views as expressed yesterday, in support of the motion, and urged that he was unanimously instructed to do so.

Mr. HAYES said, he agreed with the gentleman from Wabash, that the jurisdiction now was large enough, but would vote for any sum to be fixed permanently in the constitution, to prevent future legislation. He repelled the indirect sneering thrown upon the report of the committee on Law Reform, by the member from Jefferson. He informed that gentleman that the reforms contained in the report of that committee had received the support and sanction of the ablest jurists of the country. He challenged him to meet that report fairly and directly when it came up before the Convention for consideration.

Mr. PALMER of Macoupin considered that the jurisdiction of the justices of the peace should be limited in the constitution, and the subject not left open to legislation. It had at every session been a source of much delay and loss of time by considering applications for its extension. He thought one hundred dollars sufficient. He could see no benefit to the people in enlarging it; litigation would be increased, and persons having claims of any important amount rejected would always appeal to the circuit court, and the expenses of such suits would always be greater than if the suit was originally entered in the circuit court. He pointed out several instances where large sums based upon

good and legal grounds were lost to poor men, in consequence of the ignorance and mistakes of justices of the peace.

Mr. CAMPBELL of Jo Daviess said, he was opposed to striking out, and opposed to inserting three hundred dollars, and would be in favor of reducing the jurisdiction of justices of the peace to fifty dollars. He agreed with the gentleman from Wabash, and it would strike any man who had been an observer of the proceedings of the last Legislature, that this subject should not be left open to legislation, to be called up at any time by some member elected exclusively upon this question. How many days did you sit here at the last session of the Legislature listening to a protracted debate upon the question of extending the jurisdiction of justices of the peace? And, after all, the subject was left as it was before. This would always be the case. He did not agree with the gentleman that it would be economical to the people to raise the jurisdiction of the justices. What man who had a claim of two or three hundred dollars and who was defeated in a lower court, and was informed by a lawyer, that the decision would be reversed, would not take an appeal to a higher court? Litigation would be increased by an enlargement of the jurisdiction of justices of the peace. Appeals would multiply, and lawyers' fees and business would increase. He could see no advantage to the people by increasing the jursidiction, but he saw that the lower it was reduced the cheaper it would be to the people. For then they would institute suits which were of any importance in the circuit court, and they would be tried by judges in whose competency and judgment the people had confidence, and with whose decision they would rest satisfied. He thought this was so evident that every man could see it. As to the lawyers, there was not one whose business and profits would not be increased by the extension of the jurisdiction of the justices. Cases would increase, appeals multiply, and consequently their fees would be more numerous.

As to the debate going on at the other end of the hall he had nothing to say, except that he was opposed to destroying the technicalities of the law; he was opposed to striking down the great fabric of the common law, which has been the pride and glory of the world for ages. He was opposed to striking away the foundation of human liberty—the great and glorious common law—for

when once shaken, once disturbed, the fabric will fall. He had no desire to prejudice the report of the committee on Law Reform. When that subject should come properly before them he, perhaps, would say something about it; the report was creditable to its author, as it would be creditable to any one, but he did not think the *reform* was proper. It was much easier to destroy than to build up, and in this question it would be found true.

Mr. KNAPP of Jersey replied to Mr. SCATES, and defended the medical faculty, alluding severely to the nature and character of that gentleman's remarks.

Mr. SCATES disclaimed any intention to attack the medical profession.

Mr. KNAPP asked him to request the reporters not to publish certain portions of his speech.

Mr. SCATES said, he would not do so; every thing he had said had been matter of evidence in a court of justice, and he would take none of it back. He would also state that there was no fear of his speeches being published; the reporters never reported him. He had made no *arrangements* with them for that purpose.

The question was then taken on striking out "one hundred," and decided in the affirmative—yeas 79, nays 65.

The question was then taken on inserting "three hundred," and rejected—yeas 51, nays 57.

Mr. DAVIS of Massac moved to insert "two hundred;" on which the yeas and nays were ordered, and resulted—yeas 11, nays 73.

Mr. GREEN of Tazewell proposed "$50."

Mr. DAVIS of McLean proposed "$150."

Mr. DEITZ proposed "$400." Lost.

The question was taken by yeas and nays on inserting "$150," and decided in the negative.

Mr. ROBBINS proposed "$500." Withdrawn.

Mr. BOSBYSHELL proposed "$110."

Mr. BROCKMAN moved to reconsider the vote striking out "one hundred;" and the Convention refused to reconsider—yeas 55, nays 81.

The question was then taken on inserting "$50" and "$100," and they were rejected.

Mr. CONSTABLE moved to reconsider the vote rejecting "$200;" and the Convention refused to reconsider.

The question recurred on striking out the words "not exceeding———— hundred dollars;", the yeas and nays were ordered thereon, and resulted—yeas 103, nays 29.

Mr. DAVIS of Montgomery moved to insert after the word "state," in the first line, the words, "in such districts as the Legislature may direct;" upon which motion the yeas and nays were ordered, and resulted—yeas 123, nays 7.

Mr. WOODSON moved to strike out the section, and offered a substitute, but subsequently withdrew it.

Mr. GRAHAM offered a substitute for the section as amended, and it was rejected. The section was then adopted.

SEC. 20. There shall be elected, by the qualified electors of this state, one attorney general, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified. He shall perform such duties and receive such compensation as may be prescribed by law.

Mr. CONSTABLE moved to strike out the section. The office, said he, under the judicial system adopted by the Convention, was unnecessary. Under that system the circuit attorney for the state in that district where the seat of government may be, can be appointed the constitutional adviser of the Governor, and the state's prosecuting attorneys in the several circuits might be required, by the Legislature, to follow their cases up to the supreme court in their districts.

The question being taken, the section was stricken out.

SEC. 21. There shall be elected in each of the judicial circuits of this state, by the qualified electors thereof, one prosecuting attorney, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified, who shall perform such duties and receive such compensation as may be prescribed by law.

Mr. ARCHER moved to add thereto: "*Provided*, that the Legislature may hereafter provide by law for the election, by the qualified voters of each county in this state, of one prosecuting

attorney for each county, in lieu of the circuit attorneys provided for in this section. The term of office, duties and compensation of which county attorneys shall be regulated by law."

He said this officer was necessary, as the duty of these prosecuting attorneys would be to represent and attend to the interests of the people in each county, and they are particularly required at the examining courts. There, when a man is arrested on any criminal charge, there is no person near to attend to the interests of the people. In case the criminal is called upon to enter into recognizance, there is no one there to represent the people, and secure sufficient bail to require his appearance at court, and thus many criminals were suffered to escape for the mere want of such an officer.

On motion, the Convention adjourned till 3 P. M.

AFTERNOON

Mr. LEMON moved a call of the Convention; which was ordered. When a quorum appeared,

Mr. JACKSON moved a suspension of the rules, to enable him to offer a resolution; which motion was withdrawn.

The question pending at the adjournment was on the amendment offered by Mr. ARCHER.

Mr. PRATT said, that every one, he thought, should see the necessity of a prosecuting attorney in each county of the state, and that the salary for the office should be sufficient to command the best talent. The salary of three or four hundred dollars for a circuit attorney, for a man who is to travel around the circuit, be absent from home for some time, and attend to the business of the state, has not been a sufficient remuneration. And all will admit the truth of the fact, that the men of talent who have taken the office of circuit attorney in the state, have done so, not so much for the salary or the service to the people, but for the purpose of making it a stepping stone to higher offices—to judgeships, or to Congress. This, sir, has been the fact, at least it has in the county of Jo Daviess.—Again, an acquaintance in the county is absolutely necessary to a faithful and efficient discharge of the duties of a prosecuting attorney. The circuit attorneys cannot have that necessary acquaintance with the people, their morals, the state of

society, and the character of the parties concerned in the case. In many cases a *nolle prosequi* had been entered where, if the prosecutor had been acquainted with the circumstances, with the prosecuted, and the witnesses, this course would have been resisted, and criminals would have been brought to justice. When criminals were arrested they were generally carried before the examining court, where the feelings of the people, and the witnesses and friends of the party were all in favor of the accused, and there was no party present to attend to the interests of the people—to bring the party to trial.

Mr. PALMER of Marshall opposed the amendment. A county attorney would have too much sympathy for the people in the county, to become an efficient officer.

Mr. DAVIS of McLean thought that a circuit attorney—a talented one—would be much better than county attorneys.

Mr. BROCKMAN was in favor of the amendment. In his portion of the country, of late, the district attorneys did not, it seemed, think it worth their time to come there, and the court generally selected some of the lawyers to act. If this was to be the case, the people may as well have the privilege of electing one.

The question being taken by yeas and nays on the amendment, it was adopted—yeas 77, nays 61.

Mr. THOMAS opposed the section as amended, and hoped it would not be adopted.

Mr. ARCHER replied, and urged, again, the necessity that would arise hereafter, in consequence of the great increase of population and business, for these county prosecutors.

Mr. KNOWLTON opposed the section. He was in favor of the circuit attorneys. It may have been the case that no good ones had ever been appointed to the Jo Daviess circuit, but such was not generally the fact. They had had very competent men in his circuit. He considered that none, but young practitioners, or old ones, not qualified either by education or talent to know their profession, could be induced to take the office of county prosecutor at the salary of one hundred dollars; and in such case the state would never be able to convict, particularly with the talent of the bar in the defence.

Mr. DAVIS of Montgomery said, he had examined the section,

and could see no harm in it. It did not propose that the very next Legislature should provide for the election of a prosecutor in each county, but that, when the population of the counties require it, they would then appoint them in case they were necessary. It was only giving the Legislature power to meet the wants of the people. He had never known any very distinguished talent filling the office of circuit attorney, none but what as good would be found for the office of county prosecutor. The office was generally taken by young men who desired to become acquainted with the people, and get into practice; as soon as this was accomplished they gave way to others. He thought he saw many benefits arising from this office. His own county would have saved money if she had had such an officer to attend to her business, and attend to have good and sufficient sureties on bonds given by her officers. This was the case in many other counties, and he hoped the section would be adopted.

Mr. SERVANT offered an amendment, that the salary of the officer should be fees, to be collected from the convicts, and in no case to exceed five dollars.

Mr. CAMPBELL of Jo Daviess was opposed to the section, and opposed, particularly, to the amendment of the gentleman from Randolph. He was opposed to fixing the prosecuting attorney's pay in fees. He would as soon think of making the judge's salary to be collected in fees. What would it produce? Why these prosecuting attorneys would go mousing about the county or cities—particularly in the cities—and he would ferret out every petty violation of the criminal code; he would make up a case, hunt up some witnesses, carry them before the grand jury, and the party would be indicted. The criminal would employ a lawyer to defend him, pay him fifteen or twenty dollars, and the case would come into court, and then the party would compromise the case by paying the attorney his fee. This would be anything but creditable. He was in favor of a circuit attorney, to be paid a liberal salary; such a one as would command the best talent in the circuit. If an attorney was chosen in each county, no lawyer, except one just commencing business, or one whom the people would not entrust their business with, would be induced to take the office. No lawyer, for the pitiful sum of one hundred dollars

a year, would give up the practice of defending accused persons, whereby, if he had any talent, he could make a living. It would be opening the door to corrupt practices on his part, for he cannot otherwise make a living. It was not true that in the Jo Daviess circuit they never had competent circuit state attorneys. They had many eminent men there who had held the office—one of them was now the Lieutenant Governor of the state, another was, at present, the representative of the district in Congress, and another was clerk of the canal board, at a salary of $1,000. And competent men could still be found to take the office.

Mr. WITT moved the previous question; which was seconded.

The question was then taken on the amendment of Mr. SERVANT, and it was rejected.

The question recurred on the adoption of the section, as amended, and [was] decided, by yeas and nays, in the affirmative—yeas 88, nays 49.

Sec. 22. The qualified electors of each county in this state shall elect a clerk of the circuit court, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified, who shall perform such duties and receive such compensation as may be prescribed by law. The clerk of the circuit court in the county where the supreme court shall sit, shall be clerk of the supreme court.

Mr. THOMAS moved to strike out all after "law."

The question was taken thereon, and decided in the affirmative—yeas 57, nays 56.

Mr. THORNTON moved to strike out "commissioned" and insert "elected;" carried.

Mr. MARKLEY moved to reconsider the vote striking out all after the word "law" and the motion was rejected.

Mr. THOMAS moved to add to the section:

"*Provided*, that no person shall be eligible to the office of clerk of any circuit court who shall not have obtained a certificate from the supreme court, stating that he is qualified to perform the duties of his office."

Mr. AKIN moved to lay the amendment on the table; carried—yeas 75, nays not counted.

Mr. WHITESIDE offered the following, to be added to the section:

"The clerk of the supreme court shall be elected in each division by the qualified electors thereof, for the term of six years, and until his successor is elected and qualified, whose duties and compensation shall be provided by law."

The question being taken thereon, it was adopted—yeas 65, nays 43.

The question recurred on the adoption of the section, as amended, and it was adopted.

Mr. MARSHALL of Mason moved the following as additional sections, and they were adopted.

"All judges, clerks, justices of the peace, and prosecuting attorneys shall be commissioned by the Governor."

"All process, writs, and other proceedings, shall run in the name of: "*The people of the state of Illinois.*" All prosecutions shall be carried on: "*In the name and by the authority of the people of the state of Illinois,*" and conclude: "*against the peace and dignity of the same.*"

Mr. MARKLEY offered an additional section, providing for the election of the judges by general ticket, and that such section and section 3, (the district system,) shall be submitted to the people for a separate vote; the one receiving the greater vote to become a part of the constitution.

Mr. NORTHCOTT moved to lay it on the table; which motion by yeas and nays was decided in the affirmative—yeas 72, nays 57.

Mr. PRATT offered an additional section, which was adopted, as follows:

"The Legislature may authorize the judgments, decrees and decisions of any local, inferior, court of record, of original, civil or criminal jurisdiction, established in a city, to be removed for review directly into the supreme court."

Mr. THORNTON moved to reconsider the vote by which the 6th section was adopted. Carried—yeas 60, nays 53.

Mr. LOGAN moved to reconsider the vote ordering the previous question thereon; and it was reconsidered.

Mr. THORNTON moved to strike out all of the section so as to have it read thus: "The supreme court shall hold one term

annually in each of the aforesaid grand divisions, at such time and place, in such divisions, as the General Assembly shall by law direct."

On which motion the yeas and nays were ordered, and resulted—yeas 89, nays 48.

Mr. MARKLEY offered a proviso: "that after 1855 the Legislature may direct, by law, that said court shall be held in each judicial circuit."

The question was taken thereon, by yeas and nays, and decided in the negative—yeas 40, nays 86.

The Convention then adjourned till to-morrow at 8 o'clock.

Mr. CHURCHILL, from the special committee on Agriculture, &c., presented two reports—a majority and minority report; which were laid on the table and ordered to be printed.

Mr. KNAPP of Scott, from the committee on Law Reform, made a report; which was laid on the table and ordered to be printed.

THE JUDICIARY

Mr. HARVEY offered the following, to be added to the 6th section:

"*Provided*, that after the year 1850, the General Assembly may provide by law that a term of the supreme court shall be held in one or more places in any of the said grand divisions, if in their opinion the public good requires it."

The yeas and nays were ordered thereon, and resulted—yeas 55, nays 77.

SEC. 7. The state shall be divided into twelve judicial districts, in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of six years, and until his successor shall be commissioned and qualified; *Provided*, that the Legislature may increase the number of circuits to meet the future exigencies of the state.

Mr. ARMSTRONG moved to strike out "twelve" judicial districts, and insert "nine."

Mr. WHITNEY said, that he was in favor of reducing it to nine circuits, because he had given the subject of the judiciary and the action of the Convention upon it considerable attention. He had gone into an examination of the increased expenditures, created by this new system, and the result induced him to pause and think well before he further unnecessarily increased that sum. He had calculated the cost of the new system, and found it enormous. He estimated the cost of each county judge to be $400 a year, and as there would be one hundred of them, their cost alone

amounted to $40,000. Then came the justices of the peace for each county—one to be chosen from each precinct—say eight in each county—to whom he allowed $1.50, half the price of that allowed at present to the county commissioners' court—and say they sit one hundred days in the year, and their pay would amount to over $19,000 per annum. Add to this the fees for the probate business, which were not included.—Whole cost, including the pay of the supreme and circuit judges, and it amounted to the enormous sum of $75,000 a year, to be paid by the people for one branch of the government. The only credits to go to this account, the only reductions from the cost of the present system were—$300 on the salary of each of the supreme judges, making $2,700 and the cost of the county commissioners' court, of $2,400; making the sum of $5,100—leaving an increase in the cost of our new system over that at present in force of $70,300, a sum which he thought should be sufficient to pay the whole expenses of the government of the state. The people looked at this matter, and would consider it long before they would vote for its adoption. He hoped the number would be reduced, and that the cost of the judiciary may be reduced. He did not desire to leave here with any prejudice against the new constitution, but these matters were well calculated to make a man pause before he gave his sanction to any such system, requiring such a great amount of taxation to support it.

Mr. SCATES asked a division of the question, so as to vote first on striking out. He made some remarks to show that the question should be divided; after which, the Convention refused to divide the question.

The question was then taken on the amendment, and it was carried.

The section was then adopted.

Mr. DAVIS of McLean moved to reconsider the vote, but subsequently withdrew the same.

Sections 8 and 9 were adopted, as follows:

SEC. 8. There shall be two or more terms of the circuit court held annually in each county of this state at such times as shall be provided by law, and said courts shall have jurisdiction in all

cases at law and equity, and in all cases of appeals from all inferior courts.

SEC. 9. All vacancies in the supreme and circuit courts shall be filled by election as aforesaid; *Provided, however*, that if the unexpired term does not exceed one year, such vacancy may be filled by executive appointment.

Section 10 was taken up—

SEC. 10. The judges of the supreme court shall receive a salary of twelve hundred dollars per annum, payable quarterly, and no more. The judges of the circuit courts shall receive a salary of one thousand dollars, payable quarterly, and no more. The judges of the supreme and circuit courts shall not hold any other office or public trust in this state, nor the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office (except that of judge of the supreme or circuit court) given by the General Assembly, or the people, shall be void.

Mr. SCATES offered an amendment; which was rejected.

Mr. EDWARDS of Madison moved to strike out "$1,200," and insert "$1,500." The question was taken by yeas and nays and decided in the negative—yeas 44, nays 104.

Mr. HOGUE moved to strike out "$1,200" and insert "$1,000."

Mr. SIBLEY moved to strike out "$1,200" and insert "$1,400."

The question was taken and rejected. The question was then taken by yeas and nays on the motion of Mr. HOGUE, and it was rejected—yeas 50, nays 86.

Mr. CAMPBELL of Jo Daviess moved to strike out all after the words "no more," where they occur the second time.

In making the motion, Mr. C. said, that he would give his reasons for the motion in a few words.—He would not have made the motion had anything like an adequate salary been allowed the judges of the supreme and circuit courts. But inasmuch as we had allowed them merely enough to live upon, he considered it unjust to cut them off from holding any other office which their ambition might desire, or the people should feel disposed to elevate them to. He could see no reason why they should be denied all

political preferment because they were judges of the state, and had the miserable salary we have allowed them. This was digging deep the grave of every man who would take the office and who had any aspirations to higher posts, or whom the people might desire to elevate, and that, too, without allowing him sufficient salary to pay for a decent grave after death. He doubted much the constitutionality of the provision, and was of opinion that it would be inoperative—a dead letter.—The Senate of the United States would never inquire into the constitution of the state of Illinois, when called upon to appoint a man to any office; nor would either house of Congress ever ask a man who [had] come there with a certificate of his election, whether the constitution of his state allowed its judges to be chosen to any other office. The only question asked him would be, was he eligible, under the constitution of the United States? And if he were, then any provision in the constitution of the state to the contrary would be disregarded. He opposed this part of the section on these grounds, and hoped it would be stricken out. He viewed it as forever denying men of mind or talent, of reputation and ability, the office of judge; for no man would ever take the office if every other door to honor and preferment was to be closed to him in consequence. He considered this provision in the constitution as forever excluding from the bench in this state talent, and securing stupidity.

Mr. CONSTABLE said, he agreed with the gentleman from Jo Daviess that this provision was of but little use, and that it would never be operative, but still he would vote against striking out.

The question was taken by yeas and nays on the motion to strike out, and decided in the negative—yeas 25, nays 110.

Mr. WEST moved to strike out "$1,000," and insert "$1,200."

Mr. PALMER of Marshall moved to strike out "$1,000" and insert "$800."

The motions were both rejected, by yeas and nays. The first vote standing—yeas 36, nays 101; the latter—yeas 50, nays 86.

Mr. SINGLETON offered an amendment; (which we did not hear) and it was rejected.

The previous question was ordered and the section was adopted.

Sec. 11. No person shall be eligible to the office of judge of

any court of this state who is not a citizen of the United States, and who shall not have resided in this state two years next preceding his election, and who shall not, at the time of his election, reside in the division, circuit or county in which he shall be elected. Nor shall any person be elected judge of the supreme court who shall be at the time of his election under the age of thirty-five years. And no person shall be eligible to the office of judge of the circuit court until he shall have attained the age of thirty years.

Mr. CAMPBELL of McDonough moved to strike out "two years," and insert "five years." Carried.

Mr. KENNER moved to amend by adding after "elected:" "two years preceding his election;" which motion was carried.

Mr. ARMSTRONG moved to add: "and who shall not have paid a state or county tax;" on which motion the yeas and nays were ordered, and resulted—yeas 47, nays 95.

The section was then adopted.

Mr. LOGAN offered, as additional sections, the following:

Sec. —. County judges, clerks, sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by a petit jury, and upon conviction shall be removed from office.

Sec. —. The election of all officers, and the filling of all vacancies that may happen by death, resignation, or removal, not otherwise directed or provided for by this constitution shall be made in such manner as the legislature shall direct; *Provided*, that no such officer shall be elected by the Legislature.

Sec. —. The first election for justices of the supreme court, and judges of the circuit court, shall be held on the first Monday of October, 1848, after the adoption of this article.

Sec. —. The second election for one justice of the supreme court shall be held on the first Monday of June, 1852; and every three years thereafter an election shall be held for one justice of the supreme court.

Sec. —. On the first Monday of June, 1855, and every sixth year thereafter, an election shall be held for judges of the circuit courts; *Provided*, whenever an additional circuit is made, such provision may be made as to hold the second election of such additional judge at the regular election herein provided.

And the question being taken thereon, the same was adopted.

Mr. CAMPBELL of Jo Daviess offered, as an additional section, the following:

Sec. —. There shall be elected in each county in this state, by the qualified electors thereof, a sheriff, who shall hold his office for the term of two years, and until his successor shall be elected and qualified; *Provided*, that no person shall be eligible to the office more than once in four years.

Messrs. DAVIS of Montgomery, CAMPBELL and MORGAN supported the amendment, and Messrs. BROCKMAN and BOND opposed it.

Mr. WEAD advocated the term of four years, and moved to strike out "two" and insert "four;" and the same was rejected—yeas 40, nays 68.

Mr. AKIN moved a proviso.

Mr. PRATT moved the previous question; which was seconded.

The proviso was rejected.

And the Convention adjourned till 3 P. M.

AFTERNOON

The Convention was called twice, and no quorum appeared. The absentees were sent for, and at 25 minutes past three a quorum appeared.

The question pending at the adjournment was on the section proposed by Mr. CAMPBELL of Jo Daviess.

Mr. ATHERTON moved to strike out "two years," and insert "three." Withdrawn.

Mr. WEST moved to amend the proviso, so as to make it read: "Shall not be eligible to election more than four years in any six."

Mr. McCALLEN supported the amendment, because the office of sheriff for two years only would make the office of no value to the sheriff.

Mr. DAVIS of Montgomery replied, and urged the adoption of the section as first presented.

The question was taken on the amendment, by yeas and nays, and decided—yeas 46, nays 93.

Mr. ECCLES moved to amend, by striking out "two years" and inserting "four;" and the same was rejected.

The question was taken on the section, and it was adopted—yeas 101, nays 45.

Mr. SCATES offered the following, as an additional section; which was adopted.

Sec. —. The clerks of the supreme and circuit courts, and state's attorneys, shall be elected at the first special election for judges; the second election for clerks of the Supreme court shall be held on the first Monday of June, 1855, and every sixth year thereafter. The first election for clerks of the circuit court, and state's attorneys, shall be held on the Tuesday after the first Monday of November, 1852, and every fourth year thereafter.

Mr. WEAD offered, as an additional section, the following:

"The Legislature shall provide, by law, for what cause, and in what manner, the judges of the county courts of this state, the clerks of courts, justices of the peace, and prosecuting attorneys, and other county officers, may be removed from office.

A vote was taken thereon—yeas 57, nays 49. No quorum voting.

Mr. ECCLES offered the following, as a substitute therefor:

"There shall be elected, at the general election in each county in this state, by the qualified electors, a coroner, surveyor, and collector. Also, in each justice's district a competent number of constables, who shall hold their offices for the term of four years and until their successors are elected and qualified, whose duties shall be prescribed by law."

And the substitute was rejected—yeas 29.

The question was taken on the section of Mr. WEAD; and it was rejected.

Sec. 12. Any judge of the supreme or circuit court may be removed from office by address of both houses of the General Assembly, if two-thirds of all the members elected of each house concur therein.

Mr. LOCKWOOD moved to strike out the section, and insert the following; which motion was carried:

"For any reasonable cause, to be entered on the journals of each house, which shall not be sufficient ground for impeachment, both justices of the supreme court and judges of the circuit court shall be removed from office on the vote of two-thirds of the mem-

bers elected to each branch of the General Assembly; *Provided, always*, that no member of either house of the General Assembly shall be eligible to fill the vacancy occasioned by such removal; *Provided, also*, that no removal shall be made unless the justice or judge complained of shall have been served with a copy of the complaint against him, and shall have an opportunity of being heard in his own defence."

The section, as amended, was adopted.

And, on motion, the article was referred to the committee on Revision.

BANKS

Mr. WEAD, from the select committee to whom had been referred the petition of sundry citizens of Fulton county, praying a prohibition of banks, and of the circulation of foreign paper, reported the following article:

ARTICLE—

SEC. 1. The Legislature shall pass no law creating any bank or banks, or authorizing the issue of bank paper; and shall prohibit, by adequate penalties, the circulation of all bank paper in this state.

SEC. 2. The Legislature may provide by law that, at the expiration of ten years from the adoption of this constitution, the qualified electors of the state may vote for and against banks; if a majority of the votes so cast shall be "for banks," then this article shall be abolished, if otherwise, this article shall be in force ten years more, when the same question may be again submitted in the same manner, and with the same effect.

SEC. 3. This article shall be separately submitted to the qualified electors of this state for adoption or rejection, at the same election, and in the same manner, with the amended constitution. If this amendment shall receive a majority of all the votes cast for and against it at such election, then the same shall become a part of the constitution of this state, and supersede all other provisions upon the same subject.

The same being before the Convention—

Mr. CAMPBELL of McDonough moved the previous question; which was ordered.

Mr. LOGAN moved to reconsider the vote ordering the main question—time should be given for consideration.

Mr. CALDWELL said, the question had already been considered, and the gentleman from Sangamon must be familiar with the subject by this time. He hoped it would be settled at once.

The Convention refused to reconsider.

Mr. PRATT demanded the yeas and nays; which were ordered.

The question being taken on the adoption of the section, resulted as follows:

YEAS—Akin, Allen, Archer, Armstrong, Blair, Ballingall, Brockman, Bosbyshell, Brown, Crain, Caldwell, Campbell of Jo Daviess, Campbell of McDonough, Carter, F. S. Casey, Zadoc Casey, Colby, Constable, Cross of Winnebago, Cloud, Churchill, Dale, Dunn, Frick, Henderson, Hill, Hogue, Hunsaker, Huston, James, Jones, Kreider, Lasater, Laughlin, Lenley, McCully, McClure, McHatton, Manly, Markley, Moffett, Moore, Morris, Nichols, Oliver, Pace, Palmer of Macoupin, Pratt, Peters, Pinckney, Powers, Robinson, Roman, Rountree, Scates, Stadden, Shields, Sim, Simpson, Smith of Gallatin, Thompson, Trower, Tutt, Vernor, Wead, Webber, Williams, Whiteside.—68.

NAYS—Adams, Anderson, Atherton, Choate, Church, Davis of Montgomery, Dawson, Deitz, Dummer, Dunlap, Dunsmore, Edwards of Madison, Edwards of Sangamon, Eccles, Graham, Geddes, Green of Clay, Green of Jo Daviess, Green of Tazewell, Grimshaw, Harding, Harlan, Harper, Harvey, Hatch, Hawley, Hay, Holmes, Hurlbut, Jackson, Judd, Knapp of Jersey, Knapp of Scott, Kenner, Kinney of Bureau, Knowlton, Knox, Lander, Lemon, Lockwood, Logan, Loudon, McCallen, Marshall of Coles, Marshall of Mason, Mason, Mieure, Miller, Minshall, Palmer of Stark, Rives, Robbins, Sharpe, Swan, Spencer, Servant, Sibley, Smith of Macon, Shumway, Thomas, Thornton, Turner, Tuttle, Vance, West, Witt, Whitney, Woodson, Worcester—69.

Absent—Blakely, Bond, Bunsen, Butler, Canady, Cross of Woodford, Davis of McLean, Davis of Massac, Dement, Edmonson, Evey, Farwell, Gregg, Hayes, Heacock, Hoes, Jenkins, Kinney of St. Clair, Kitchell, Matheny, Northcott, Norton, Sherman, Singleton, Turnbull.

Mr. SERVANT moved to take up the report of the select committee on Commons. Carried.

It was read and adopted as follows:

"Sec. —. All lands which have been granted, as a "Common," to the inhabitants of any town, hamlet, village or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation; but the said commons, or any of them, or any part thereof, may be divided, leased or granted, in such manner as may, hereafter, be provided by law, on petition of a majority of the qualified voters interested in such commons, or any of them."

Mr. ARMSTRONG moved to take up the report of the committee on Revenue as amended. Carried.

Mr. HAYES asked leave to record his vote on the question of banks, just decided; he was absent at the time and would like to record his vote.

Objections were made, and the Chair put the question—Shall the gentleman be permitted to vote?

Mr. EDWARDS of Sangamon raised a point of order, could the gentleman be allowed to vote after the result was announced, if so, why not allow every man who was absent to record his vote to-morrow or whenever he should come in?

The PRESIDENT said, that after the vote he would make a decision.

The vote was taken, and resulted—yeas 39, nays 54.

The PRESIDENT ruled that the gentleman was precluded from voting under a rule of the Convention, and to allow him to vote required two-thirds; two-thirds not voting therefor, he could not vote.

The Convention then resumed the consideration of the revenue report, section after section. The committee proposed to strike out all inserted in parentheses, and insert what is given in italics.

Sec. 1. The Legislature (shall) *may* cause to be collected from all *able-bodied* free white male inhabitants of this state, over the age of twenty-one years and under the age of sixty years, *who are entitled to the right of suffrage*, a capitation tax of not less than fifty cents nor more than one dollar each, *when the Legislature may deem*

it necessary, (to be applied yearly to the payment of the interest due and to become due from this state to the school, college, and seminary funds; and if in any year there shall remain any balance of said tax, after the payment of the interest due for that year, such balance shall be paid into the state treasury.)

The question being on concurring with the committee of the whole on striking out "shall" and inserting "may" in the first line,

Mr. WOODSON demanded the yeas and nays.

Mr. CAMPBELL of Jo Daviess thought that "may" had been agreed upon as a compromise and hoped it would be retained.

Mr. DAVIS of Montgomery had voted for "may" as a compromise, and had offered a resolution of instructions to the committee to that effect; but he would now vote for "shall" because such was the universal voice of his county.

Mr. HAYES said, as this is one of the questions in which I have taken much interest, I desire to define my position before the vote may be taken.

The resolution of the gentleman from Montgomery (Mr. DAVIS) which was under discussion early in the session, and which I then supported, instructed the committee on Revenue to report an article giving the Legislature power to impose a poll tax. It is now proposed to *compel* the Legislature to levy such a tax—in other words to pass a constitutional tax. I am individually in favor of a poll tax, and should I become a candidate for a seat in the next General Assembly, would express that opinion before the people, and if elected would endeavor to carry it out. But, sir, I am not now, and never have been in favor of imposing any tax by the constitution. It is not within the province of this Convention to tax the people. That is their own right—to be exercised at their discretion through their representatives in the General Assembly. Let them hold the purse-strings of the state. It is not right to levy a tax upon the people by engrafting in the organic law a provision that it shall be levied.

I repeat I am opposed to any and every proposition to impose a tax by a constitutional provision. I shall, therefore, vote to concur in the amendment made in committee of the whole, strik-

ing out "shall" and inserting "may" in the first section of the report.

Mr. ARCHER was opposed to the poll tax upon principle, but would vote for the word "may" as a compromise. The people of his county were divided on the subject, and he would vote for giving the Legislature power to levy the tax when the people desired it. The word "shall" should never have been in the article; it was reported against the express instruction of the Convention to the committee, and he hoped that it would never be replaced.

Mr. THOMAS opposed the last amendment of the committee—the striking out of the last part of the section—in parenthesis.

Mr. KNOWLTON was in favor of a poll tax upon principle.

Mr. HUNSAKER moved the previous question; which was seconded.

The question was taken by yeas and nays on agreeing with the committee of the whole in striking out "shall" and inserting "may" and resulted—yeas 96, nays 42.

The yeas and nays were taken on concurring in the insertion of the words, "who are entitled to the right of suffrage," and resulted—yeas 78, nays 52.

The other amendments were concurred in, and the section as amended, was adopted.

On motion the Convention adjourned till to-morrow at 8 A. M.

LIX. THURSDAY, AUGUST 19, 1847

Prayer by Rev. Mr. BERGEN.

Mr. GREGG, from the select committee of twenty-seven, appointed to apportion the state into 25 senatorial and 75 representative districts made a report.

Mr. DAVIS of McLean said, he hoped it would be laid on the table and ordered to be printed.

Mr. GREGG thought that it may as well be considered now, and adopted or rejected; members were familiar with the counties composing each district, and were as ready to vote now as at any other time. He had no particular objections to the printing, but he saw no use in delaying the matter.

Mr. KNOWLTON said, he would not vote for any thing until he had had time to examine it. It had not been read yet, and still a desire was expressed to have it passed through the Convention. He hoped it would be printed [so] that everyone could see how their districts were made up. At present no one but those on the committee knew anything about it.

Mr. BALLINGALL hoped it would be printed. He moved that 250 copies be printed.

Mr. WEST could see no necessity for the printing, everyone almost could understand it sufficiently well by hearing it read, to say whether he would vote for it or not.

The question was taken on the motion to print, and resulted—yeas 65, nays 67.

Mr. DAVIS of Massac moved to reconsider the vote just taken. It was evident, he thought, that members should have an opportunity to examine the subject before voting upon it.

Mr. Z. CASEY demanded that the report be read before any further action be had upon it; they should at least know what they were disputing about.

The report was read by the Secretary.

The question was then taken on reconsideration, and resulted—yeas 65, nays 71.

Mr. CALDWELL moved that that portion of the report, districting the counties composing the third judicial circuit be referred to a select committee of nine.

At the last meeting of the committee, a change had been made in the districts, embraced in that circuit, and he hoped they might have an opportunity to restore it to the position it had before.

Mr. McCALLEN hoped the motion would prevail. This was a subject in which the people were deeply interested, and one in which every member had an interest, and he could not see why the committee should desire to rush their report, of which none knew anything but themselves, through the Convention without the least time for examination or consideration. He would vote against it if compelled to vote now. Why did the committee oppose the printing? Why were they afraid to have members examine their work? Their very haste and anxiety to have this matter rushed through the Convention, to force it upon members, would induce him to pause before voting for it, and to insist upon its being printed.

Mr. DAVIS of Massac hoped the motion made by the member from Gallatin would prevail. The report of the committee, in relation to the counties embraced in the third judicial district, had been agreed upon and considered settled to the satisfaction of every delegate from that circuit; but at the last meeting, one member of the committee moved a reconsideration in order to make some alteration in respect to his own county. This was acceded to, but, in the absence of the other members from the circuit, not only was a change made to suit that one member, but in doing so, they had gone on and changed every district, senatorial and representative, in the circuit. The change we assented to, was in the district composed of Jefferson, Wayne and Marion, and he at the time considered it was to have gone no farther. He hoped the motion would prevail, and that the circuit might be constructed to suit the majority of its members, and not one single delegate.

Mr. HOGUE said, he was the "one member" alluded to by the gentleman from Massac. He had made the motion to reconsider because under the first arrangement he found Wayne county put out of its proper circuit, and taken away from those counties

with which it had heretofore been connected, and between whom there was a community of feeling and interest. He had made this movement in justice to his own county, and did not desire to break up more than necessary the arrangements of other persons in the community.

The PRESIDENT said, that upon reflection he considered the motion to refer a portion of the report to be out of order.

Mr. EDWARDS of Madison moved that the report be laid on the table, and 200 copies be ordered to be printed.

Mr. HARDING moved the previous question.

Mr. Z. CASEY moved the report be laid on the table. Carried.

Mr. EDWARDS moved that 200 copies be printed. Carried.

Mr. LOGAN presented the report of the select committee of nine, appointed to divide the state into three divisions for judicial purposes; which was read.

Mr. LOGAN moved that the report be amended so as that Clark and Cumberland counties be added to the middle division, instead of the southern. He said that he made the motion at the unanimous suggestion of the delegates from the southern division. And the motion was adopted.

Mr. MARKLEY moved that the report be laid on the table and 250 copies ordered to be printed. Agreed to—yeas 69, nays 58.

The Convention then resumed the consideration of the report of the committee on Revenue.

Sec. 2. The Legislature shall provide for levying a tax by valuation, so that every person *and corporation* shall pay a tax in proportion to the value of his or her property; such value to be ascertained by some person *or persons*, to be elected or appointed (in each county in the state), in such manner as the Legislature shall direct, and not otherwise; but the Legislature shall have power to tax peddlers, auctioneers, brokers, hawkers, *merchants*, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, *toll-bridges*, and ferries, and persons using and exercising franchises and privileges, in such manner as they shall from time to time direct.

Mr. WOODSON moved to amend the same by prefixing thereto, as a separate section, the following:

"Sec. —. The General Assembly shall cause to be collected from all free white male inhabitants of this state over the age of twenty-one years and under sixty years, a capitation tax of not less than fifty cents, nor more than one dollar annually, to be applied as the Legislature may direct. Said tax to continue until the payment of the public debt of the state.

"Sec. —. At the election to which shall be submitted the constitution to the people for their ratification or rejection, a separate poll shall be opened for and against a poll tax, and if a majority of those voting on said question shall be in favor of such tax, then the foregoing section shall stand in lieu of the first section; but if a majority of the votes polled shall be against the poll tax, then the said first section shall not be and remain a part of this constitution."

Mr. SCATES reminded the house that every proposition that had been offered to be submitted to the people separately had been voted down. If in order, he would move, as an amendment to the amendment, the alternate proposition of bank or no bank.

Mr. GREGG said, that he wished merely to express his sincere hope that the amendment of the gentleman from Greene would not be adopted. On a former occasion he had explained his views on the subject, and did not intend to take up the time of the Convention now. He regarded a poll tax as wrong in principle, and unjust, grossly unjust, and oppressive in its operation. It was, he thought, anti-republican and contrary to the whole spirit of our institutions. Entertaining this view, he would vote for no proposition for a poll tax. It could not be presented in any phase or shape so as to be acceptable to him. He was opposed to it under all circumstances, and he trusted the Convention would not subject the people to the necessity of rejecting a measure which they could not but regard as an infringement of their rights, and a violation of justice.

Messrs. PETERS, SHIELDS, PALMER of Marshall and MCCALLEN expressed themselves in favor of a poll tax.

Mr. ATHERTON moved the previous question; which was ordered—yeas 59, nays 51.

The question was taken, by yeas and nays, on the amendment of Mr. WOODSON, and it was rejected—yeas 61, nays 77.

The section was then adopted.

In section three an enumeration of the property to be exempt from taxation had been stricken out in committee of the whole, and the following was substituted:

"The property of the state and counties, both real and personal, and such other property as the Legislature may deem necessary for school, religious, and charitable purposes, may be exempted from taxation."

Mr. WOODSON offered as an additional section to precede section three, the amendment just rejected, modified by the omission of the word "not," where it last occurs.

Mr. CAMPBELL of Jo Daviess addressed the Convention in opposition to the poll tax. He opposed it upon every ground and principle of justice, and opposed it more particularly in its present shape. He thought it time for gentlemen to stop in endeavors to engraft these odious federal measures upon the constitution. Already there had been adopted a banking system which could not be shaken off, but which like the shirt of Nessus would stick to us forever. We had compromised on every subject, had given up everything, and such was the pertinac[it]y of gentlemen in urging these unjust measures that longer concession would be degradation. He would yield no more. The Convention had placed unwarrantable restrictions upon the right of suffrage, had adopted measures, the tendency of which would be to exclude foreigners from emigrating to our state, had adopted a sort of piebald judiciary, the like of which was never heard anywhere else, and which no other set of men could be found to adopt, and still they were not satisfied, but desired to force upon us this poll tax which has been voted down again and again. He warned gentlemen to pause in their course, to stop in their reckless endeavors to fasten these odious principles upon the constitution. They offer it now as a separate section to be voted upon by the people, and talk loudly of the right of the people to be heard upon the subject. A new light, it seemed, had broken upon them. Where was their principle yesterday when we proposed prohibition of banks to the people? Where has all this peculiar respect for the wishes of the people been during the past months of the Convention? Why did they refuse to present to the people the isolated

question of bank or no bank? But this is a favorite measure of these gentlemen, and having failed here in engrafting it upon the constitution, they desire to try it before the people, and forever fasten upon us a constitutional poll tax. He hoped it would be voted down.

Mr. AKIN moved that the amendment be laid on the table.

On which motion the yeas and nays were ordered, and resulted —yeas 71, nays 71; rejected.

Messrs. HAYES, DAVIS of Massac, DAVIS of Montgomery, and PALMER of Macoupin continued the discussion in favor of a poll tax, and Messrs. SCATES, FARWELL and ARCHER in opposition to it.

Mr. ATHERTON moved the previous question; which was ordered.

And then, on motion, the Convention adjourned till 3 P. M.

AFTERNOON

The question was taken by yeas and nays on the amendment of Mr. WOODSON, and it was rejected—yeas 61, nays 76.

The section was then adopted as given above.

Section 4 was read. It is the long provision submitted by Judge LOCKWOOD some weeks ago, and published then in the proceedings, in relation to the mode of collecting taxes, and presenting the requisites for the valid sale of land for taxes.

Mr. DAWSON moved to amend, by adding the following as an additional section:

"The Legislature shall cause the several county clerks in this state, at the proper time, to make out in tabular form a list of all lands on which taxes remain due and unpaid for the year last past, and place the same in the hands of the assessor for the next year, whose duty it shall be, when he assesses lands, to compare the assessment with the delinquent list, and should they find any lands on the delinquent list which belongs to any citizen of their respective counties, they shall notify the citizen thereof, and no lands shall be offered for sale until the same be advertised for at least three weeks in some newspaper printed in this state, nearest where the lands lie, and after the time in which the assessment is to close according to law."

[Mr. DAWSON said, in offering the amendment to the report of the committee of the whole on the revenue, he [had] done so under a sense of duty he owed his constituents; he had nothing in view but to secure them and others in their rights. The section as it now stands, does not secure the object I wish to attain. That sir, only secures to the landholder certain rights after his land is sold for taxes. I wish sir, as far as possible to prevent citizens' lands from being sold for taxes. The amendment I offer sir, for the consideration of the convention if adopted, will secure that object. The proposition will carry the evidence to every man and that without cost, whether he has paid his taxes on his own or some other person's lands. This is the object I have in view; this is the object I wish to accomplish. It is known by every gentleman on this floor, that mistakes often occur in lands by the assessors, clerks or sheriffs, in the transacting of their business as officers, and thereby many had as they thought, honorably paid their taxes; but sir, without any fault on their part, when too late they found their lands had been sold for taxes and in the hands of the speculator. To obviate this, he had offered his amendment, and said Mr. Dawson, if this amendment is adopted you will greatly prevent the sale of lands for taxes; you will place the necessary information in the possession of every man, whether he has paid in his taxes properly or not; you will sir, save all the cost which must necessarily accrue before the proposition to which this is an amendment, can benefit any one but printers and officers. By its adoption, you will save many the painful necessity of purchasing at a heavy rate, their own lands from the speculator. With this plain common sense view of its importance, I hope sir, if the convention does intend to adopt the section which allows there does an evil exist in improperly selling land for taxes, they will adopt my amendment or some other that will secure the object desired. I will say, sir, that the section as adopted by the committee of the whole does not propose a proper remedy; that only proposes a remedy after the evil exists. I wish to prevent the evil, and then sir, there will be no need for the remedy proposed by the committee. Adopt the amendment I offer sir, and you will hear but little more complaint of lands being sold for taxes.][54]

[54] This speech by Dawson is taken from the *Sangamo Journal*, August 24.

And the question being taken thereon by yeas and nays, was decided in the negative—yeas 50, nays 84.

Messrs. CHURCH and KNAPP of Scott offered some verbal amendments to the section, which were adopted.

Messrs. WILLIAMS, WEAD and VANCE offered substitutes for the section; which were rejected.

And the section was then adopted—yeas 76, nays 56.

Mr. LOCKWOOD offered, as an additional section, the following:

"No lands in this state shall be assessed at less than one dollar and fifty cents per acre.

Mr. McCALLEN opposed the section, and moved to strike out "one dollar and;" which motion was rejected.

Mr. MARKLEY moved to strike out $1.50 and insert $2.

Mr. DAVIS of Montgomery requested those who made this proposition to point out its justice. How could they expect assessors, under the solemn obligations of an oath, to say lands were worth $2 an acre, when in fact it was not worth that?

The question was taken, and the motion rejected—yeas 43, nays 87.

Mr. LOCKWOOD modified his amendment by reducing the sum to $1.25.

Mr. SCATES offered as a substitute for the proposed section:

"In all elections all white male inhabitants, over the age of 21 years, having resided in the state one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election."

Mr. THOMAS moved the substitute be rejected.

On which motion ensued a long discussion upon a point of order; and, finally,

Mr. SCATES withdrew his substitute.

Mr. Z. CASEY moved to lay the proposed section on the table; which motion was rejected—yeas 67, nays 67.

Mr. DAVIS of Montgomery moved a call of the Convention; which was ordered, and 142 members answered the call.

Mr. LEMON moved to suspend all further proceedings under

the call, on which motion no quorum voted. A second vote was had, and 90 voted in the affirmative.

Mr. McCALLEN offered, as a substitute for the proposed section, the following:

"All taxation levied upon property shall be by actual appraisment valuation."

On which the yeas and nays were taken, and resulted—yeas 76, nays 63.

Mr. EDWARDS of Sangamon said, that as the substitute had accomplished its object—the defeat of the original—he moved it be laid on the table. Carried.

Sec. 5. The corporate authorities of counties, townships, school districts, cities, towns, and villages, may be vested with power to assess and collect taxes for corporate purposes, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

Mr. EDWARDS of Sangamon moved to add to it the following; which was adopted:

"And the Legislature shall require that all the property within the limits of municipal corporations, belonging to individuals, shall be taxed for the payment of debts, contracted under the authority of the law."

Mr. TURNBULL offered an additional section; which was laid on the table.

Section six was read and adopted, as follows:

Sec. 6. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

The article was then referred to the committee on Revision, &c.

And then the Convention adjourned till to-morrow at 8 A. M.

LX. FRIDAY, AUGUST 20, 1847

The Convention was called, and 141 answered to their names.

Mr. ECCLES moved to take up the report of the committee on the Division of the State into Counties, and their Organization; which motion was carried.

SEC. 1. No new county shall be formed or established by the Legislature which will reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles, nor shall any county be formed of less contents, nor any line of which shall pass within less than ten miles of any county seat already established.

Mr. MARKLEY moved to strike out all after "contents," where it last occurs.

Mr. EDWARDS of Madison hoped the motion would prevail. The present county of Madison would probably be hereafter divided. Such was at present contemplated by the people of the county. In case it was divided, the city of Alton would, in all probability, be the choice and desire of the people as the seat of justice and of county business.—This section would, if passed, forever prohibit this object and desire of the people from being carried into effect. He was in favor of leaving this subject open, to be decided by the people, whenever they may choose to change the county lines, remove the county seat, or to divide the county. He sincerely hoped the amendment would be adopted.

Messrs. DAVIS of McLean and BOND declared themselves favorable to every project that would be advantageous to Alton, but they considered the section, which had been reported in obedience to instructions from the Convention, so highly beneficial to the whole people, so preventive of useless and expensive legislation, as had always been the case heretofore, that they felt constrained to support the subject.

Mr. GRAHAM was in favor of the amendment. He thought the subject of division of counties, changing and locating county seats, was one properly belonging to the people of the counties in-

terested, and one in which their voice should always be heard. They had a right to petition in such cases for relief when it was desirable, and any constitutional provision denying them this right was unwarranted and unprecedented.

Mr. CAMPBELL of Jo Daviess sincerely hoped the amendment would not pass. It was one the propriety of which he could not see. It was intended for the benefit of one or two places in the state, to the injury of the other portions of the state. It was, it had been said, for the future benefit of Alton. He believed the same city of Alton has occupied more of the time of the Legislature than any other town, city, or county in the state. Since he had been an observer of the action of the Legislature, this city of Alton has occupied a very considerable portion of the time of the Legislature every session. It would appear that there was a strong desire existing somewhere to build up that city by legal enactments rather than by a dependence on its natural position, or its resources for business.—He would have no objection to this did it not prejudice the interests of other sections of the state, and particularly the county he represented. That county was now a large one, but had at one time been much larger. It was the mother of all the counties surrounding it, and the Legislature had gone on continually cutting off county after county, and now there is a desire felt to cut off still another slice. It is high time this work should stop, and some permanency [be] given to our counties and our county seats. It was a subject which had worked much evil—had retarded more than any other cause the progress of the state. There was an universal fever to divide the counties, created by the operations of a few designing men interested in a change of county seats, or the creation of a new batch of county officers. We must have some stability in our county lines. For instance, we have a county, and the county seat is established in the centre, men come there from other parts of the country, believing that the county seat is fixed and permanent, they invest their money in property, erect buildings and enter in[to] extensive improvements, all based upon the assurance that the county seat was fixed; but hardly have these things occurred, when a petition is got up by a few interested persons, and the first thing we hear is that the county is divided, and the county seat changed, and all

these investments rendered worthless. This has been the experience of all past legislation, and it is high time that it should cease. Once let a question of a division of a county be agitated, and the people of the county lose sight of every other question, all elections turn upon the question of division, the members of the Legislature are elected with a view to that question, and the people are never quiet till that question is disposed of. He hoped this species of legislation would be stopped. He would infinitely prefer that many of the small counties should be boiled down into one, than that large counties should be divided up into small ones. Illinois now had counties enough. To divide them only increased the expenses of the people, and retarded the interests of the state by destroying all stability and confidence. The expenses of the government of a small county were nearly as much as those of a large one, and he earnestly hoped that for the interests of the people— for the welfare of the state—for the permanency of our county organizations, and to avoid the long waste of time by future legislatures in considering this subject, that the amendment would not pass, but the section [be] adopted as first reported.

Mr. JENKINS defended the report of the majority of the committee, and argued against the section now before them as unjust in principle, and wrong in its practical results.

Mr. WHITNEY favored the amendment, and desired that the report of the majority of the committee should be adopted in preference to this report made under instructions of the Convention.

The question was taken by yeas and nays on the amendment, and it was rejected—yeas 48, nays 91.

Mr. ECCLES moved to make the last line read, "less than ten miles of any county seat of the county or counties proposed to be divided, already established." Adopted.

Mr. MARKLEY moved to add the following proviso: "Provided, however, a county may be divided into two counties whenever a majority of the legal voters shall be in favor of the same, when each of said counties shall contain not less than four hundred square miles."

Mr. MARSHALL of Coles moved to lay the amendment on the table.

Mr. MARKLEY asked the yeas and nays; which were ordered, and resulted—yeas 70, nays 69.

Mr. ECCLES moved the previous question; which was ordered.

The section was then adopted.

SEC. 2. No county shall be divided or have any part stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county shall vote for the same

Mr. HOLMES offered as an amendment, to insert "voting on the question." Carried.

Mr. EDWARDS of Sangamon offered the following as an amendment, to be added to the section:

"Nor shall any territory be taken from any county unless a majority of the voters within the territory proposed to be cut off shall be in favor of having their territory form any portion of another county."

Mr. CLOUD said, that upon this question he felt considerable anxiety, and desired to say a few words which perhaps might as well be said now, as at any other time. The question involved in the section now before them, was one in which a large portion of his constituents felt much interest, perhaps they were more interested in it than in any other that had come before the Convention, it was *the* question with them, and on its decision depended in a great measure their support of the constitution. He believed that if this section be inserted in the constitution, that the people of his county and of a portion of the counties of Macoupin and Sangamon would not support the constitution no matter how perfect were its other provisions, nor how much other provisions were in accordance with their sentiments and opinions. It had for a long time been the desire of a large portion of the people of his county, to be formed into a new county to be composed of parts of the counties of Morgan, Macoupin and Sangamon, and the desire to do so has generally obtained the approval of the large majority of the people residing in those parts of those counties, proposed to be so united. They have petitioned the Legislature for years to form the new county, but they have never been heard, their petitions have been unattended to, and they have been denied the right of forming themselves into that government which they

desire, and which they should have. At the last session of the Legislature they again petitioned that body for the formation of this new county, their petition was heard and their claims were attended to; a bill passed the House of Representatives for that purpose, after considerable debate and a fair investigation of the facts, but it was lost in the Senate by one vote.

Mr. C. would not trespass on the time of the Convention were not this a question in which the people he represented were more interested than in any other, because he thought that if he did not present their claims, insist on their rights, and endeavor to obtain for them the benefit of just laws, he would be derelict in his duty as a representative and unfaithful in the discharge of his duties. For these reasons, and in the hope of securing to his constituents and their interests and rights a safe protection by constitutional provisions, he had spoken upon the subject. He could not see why gentlemen pressed this section, which was so unjust in its operation upon the rights of minorities. By the section just adopted we had effectually secured the old counties from all danger of division and from the approach of county seats near their lines, they had been protected fully from being reduced or divided down to an area of less than 400 square miles, and were they not satisfied? There had also been an ample provision adopted, that no new counties should be formed of a less area than 400 square miles, and still they were not satisfied. What did gentlemen want? Not satisfied with protection against the formation of small counties, not content with the provision that no new county shall be formed whose county seat shall come within ten miles of the county line of any county now established, which, in his opinion, amounted nearly to a total prohibition of any new county, but they must go farther, and forever crush the rights of the minority of the people. They must abandon all those principles of a free government, that declare, that while a majority shall rule, yet the rights of the minority shall be sacred. Do gentlemen desire that minorities shall have no voice, that their rights and interests shall be trampled under foot by a wild uncompromising majority? He hoped not, yet this provision was in effect a denial to the minority of the people of any county of the right to petition for a division of that county. Any person at all acquainted with the geography

of territory composed of a portion of the counties of Sangamon, Macoupin and Morgan, would at once perceive how just was the demand of the people living in the outskirts of those counties and adjoining each other, that they should be formed into a new county. They were situated so far from the seats of their respective counties, that they were cut off from all local interest, and being near each other, a community of feeling and interest had grown up, which had created this strong desire to be formed into a new county, which would afford them greater facilities in attending to their county business, than they possessed at present, because now the county seats were twenty miles away. No one could deny the justice of their demand, yet they formed but a minority of the people of each county. Was this Convention prepared to deny the just demands of minorities? Were they prepared to forever deny them the right of petition in a just cause? Has all regard for the rights of minorities of the people been lost, and were they to be reduced to the position of "hewers of wood and drawers of water" for overruling and tyrannical majorities? Were the Convention now ready to deny the people, or any portion of them, in the organic law of the state, the right to petition the Legislature on a subject which to them is of vital importance, and to deny the Legislature the power to grant them the relief, the right, and the justice they demand? He hoped these things would be well considered before the Convention would forever cut off the minority of the people of the counties from being heard by the Legislature. For the reasons given, and on the grounds that the whole was wrong in principle, and would be oppressive in its operation, he hoped the section would not be adopted.

Mr. LOGAN replied to Mr. C., and urged the adoption of the amendment.

Mr. PALMER of Macoupin was in favor of the amendment proposed by the gentleman from Sangamon. He did not believe that the inhabitants of any part of a county had the right to have that part stricken off and added to another county without the consent of the people of the whole county. Such was the opinion of the people in his county.

Mr. SINGLETON was in favor of leaving the whole subject

open to future legislation; and moved to lay the amendment on the table; which motion prevailed—yeas 57, nays 53.

Mr. BROWN moved to amend the section by adding thereto the following:

"Where a county, either now or hereafter to be established, shall be situated on the navigable waters of this state, the county seat thereof may be established on said navigable waters, where the county line may run within less than ten miles of a county seat, provided a majority of the legal voters of the county concur therein."

Mr. WEST said, that he was much opposed to the division of counties, and hoped that this convention would do something that would effectually check that evil. He regarded the past course of the Legislature on this subject as very objectionable, and as having given rise to much difficulty. Illinois, with a territory less than many of the states, and with a population of not more than a third or fourth of some of them, had now more counties than any state in the Union, and would continue to make more by the division of some of those already established, unless the Legislature by constitutional provision should be restricted. The restrictions proposed by the committee would entirely fail in having any effect to prevent the establishment hereafter of any number, however large. With such restrictions Illinois now might have 178 counties, New York might have 468.

He believed the sense of the Convention had been fully manifested when by a vote of a majority of all the members of this Convention, they had instructed the committee to report certain articles which that committee had seen fit to protest against.

He could not vote for the proposition of his colleague (Mr. BROWN) it looked to him as being unequal in its nature—it proposed to give to some counties privileges which were not to be given to all, and was for that cause, if no other, objectionable. He hoped his honorable colleague did not, in submitting that proposition, look to the future division of his county. What was her present situation? A large debt had been incurred for the purpose of making improvements, the Legislature had, by special enactment, authorized Madison county to levy and collect of her citizens a special tax to pay for certain bridges which had been

built near the city of Alton. These bridges were necessary, and the tax was submitted to by her citizens and paid without a murmur. But he would ask, what fairness was there in giving to her, as a river county, the opportunity of dividing and thereby leaving the old county to pay off, by onerous and heavy taxation, the large debt which had been contracted for the benefit of the whole county? Why should the county seat be removed to Alton, for the particular benefit of some of the legal profession at that place?

Something had been said about the city of Alton. He wished to be understood as not being opposed to Alton in the least degree. He looked to her present and future prosperity with pleasure and with pride. The interest of the city of Alton was in a very great degree his interest. Amongst her citizens he numbered many of his personal and political friends, and the action of one of the citizens of the town in which he resided occupying a seat in the Senate of the state during the last session of the Legislature, had shown that the interest of Alton was regarded as the interest of the county. She must, however, look to her commercial situation, and the energy, enterprise and generosity of her citizens to advance in wealth and greatness. He believed she possessed all these, and the proposition of his honorable colleague was unnecessary to add essentially to her advancement. He was ready here, or elsewhere, to give his vote and lend his aid to every proper means to advance her interest that would be equal and just in its operation. But in voting against the proposition of his colleague, he did it from a sense of duty and hoped that he would not be misunderstood.

Mr. BROWN said, he was surprised to hear objections to the section proposed by him coming from his colleague, (Mr. WEST), and not less so at the ground of the objections urged by the gentleman from Jo Daviess (Mr. CAMPBELL). Both his colleague and the gentleman from Jo Daviess had seen fit, in the course of their remarks, to treat the section under consideration as having been prepared by him, and its adoption urged, for the exclusive benefit of Alton. The section proposed by him, as an amendment to the report of the committee, was certainly anything but exclusive in its operation and upon its face contained nothing but what would equally apply to all the counties border-

ing upon the rivers in the state. Why, then, oppose a measure which was so well calculated to secure all the advantages which counties upon navigable waters enjoyed when their county seats were located upon the river? The gentleman from Peoria (Mr. PETERS) had this morning spoken of the propriety of river counties disregarding the geographical centre, and of placing their county seats upon the river; and the reasoning of that gentleman, it appeared to him, was conclusive. Why, then, deny to counties similarly situated, the same right, when the same reasons exist, and in many cases to a much greater extent. He said, that the course of his colleague (Mr. WEST) upon the subject of counties had appeared to him very strange, and, so far as Madison county was concerned, altogether unwarranted. No movement in that county, so far as he knew, had taken place, in reference to a division of that county, and certainly none, at any time, in the city of Alton. He had seen nothing which ought to call forth such active exertions from that gentleman, and he was afraid that the imagination of his colleague had become over excited, and that something serious might be apprehended from his mania on the subject of the division of counties. He regretted that Madison county had been mentioned in the discussion of his proposition. He could safely say for himself, and appeal to the knowledge of his colleague for confirmation, that he had always been opposed to a division of that county. He had seen no reason to wish for a division, and until he did he would always oppose it. He could say the same of his venerable colleague, on his left (Mr. C. EDWARDS). Both himself and Mr. EDWARDS, although at this time and always heretofore opposed to any division, were yet willing that a majority of that or any other county in the state should say whether a division should be had or not. He was unwilling to place any such restriction upon the right of the people to judge as to whether a division of their county should be made, or where their county seat should be located. These were matters not for constitutional restriction or arrangement, but of a proper character to be judged of and decided by the people whose convenience, means and business made them interested. He had heard several gentlemen upon this floor regret that the state of Illinois had been cut up into so many small counties, and urged

that fact as a reason why a restriction should be placed upon them in future. He fully believed, and was ready to say with those gentlemen, that it was an evil, but, at the same time, one which it was now too late to remedy. At the time of the adoption of the present constitution, in 1818, had a provision of the character reported by the committee under instructions from the Convention been inserted in the constitution, there is no doubt but that it had been far better for our state, and would have been the means of saving a large amount of money, which has been required to sustain so many separate organizations. But, now that the evil had been done, it is proposed to apply the remedy. The state now contains 99 or 100 counties, and in all that number there were not more than half a dozen that could ever be divided, should the section just adopted be allowed to stand as a constitutional provision. He urged that the adoption of his amendment would be nothing more than an act of justice to those counties on the navigable waters of the state, by allowing them, when a majority of the qualified voters of such counties should desire, to place their county seat upon the river, even at a less distance than ten miles from the county line. If the wants, business facilities, and necessities of the people are always to be governed by the geographical centre, or by county lines, then, indeed, the proposed amendment would be unnecessary; but so long as the markets for the produce of the country, and a population more dense, are found upon the rivers, it is but right and just that the people should have the liberty of establishing their county seats where their local views, facilities for business, and general intercourse, might dictate. He, therefore, hoped that gentlemen representing counties bordering and having county seats upon the river would support the amendment he proposed, and not attempt, under color of remedying an evil which is beyond our reach, to do manifest injustice to those counties which had not participated in the matters complained of.

The gentleman from Jo Daviess (Mr. CAMPBELL) has seen fit to say, in the course of his speech, that the proposition now under discussion has been introduced for the future benefit of Alton, and that Alton is always seeking for something at every session of the Legislature. Coming as it does from that gentleman, above all others on this floor, representing the county of Jo Daviess, and

himself a resident of Galena, it comes with a very bad grace. He (Mr. B.) being the only delegate from Madison county who resided in the city of Alton, hoped he would not be considered out of the way in saying a few words in reply. He said that Alton was thankful for any favors she had received, and had made a sufficient return to the state for any favor which had been extended to her. When it is recollected that Mr. CAMPBELL himself, and others of his county, besieged the Legislature of the state, time after time, for the purpose of impeaching the judge of the circuit in which he resides, and after having spent several thousand dollars of the people's money in such efforts but without success, came gravely forward and asked the Legislature to give them a county court, as their feelings would not allow them to practice in the circuit court. It was not even pretended, so far as he knew, that the circuit court could not do the business of the county. They obtained the court, and the state now pays the heavy expenses of its judge, attorney and jurors merely to save those gentlemen's feelings.

Mr. CAMPBELL explained and said, that the whole expense only amounted to $250.

Mr. BROWN replied that he did not know what the expense was, but he thought it was more than the amount stated. The course of the city of Alton was very different. When the business of Madison county, in 1837, had increased to such an extent that the circuit court was unable to get through with it, the city of Alton asked for a municipal court, with concurrent jurisdiction, and agreed to pay the expenses of a separate judge, prosecuting attorney, and all other court expenses. She obtained her court, and was thus enabled to accomplish her business. How different, then, was her course from that of Galena, or Jo Daviess county! He thought it was only necessary to mention these facts, to show with what a bad grace the charge came from the gentleman from Jo Daviess.

Mr. CAMPBELL of Jo Daviess said, that he was opposed to the amendment. If it prevailed it would completely nullify the most important and the most saving principles contained in the first section, which had been adopted. Why, sir, what will it lead to? To the complete nullification of that provision, that no

county seat shall be established within ten miles of any county line. There is scarcely a stream of any kind in the state, which has not, at some time or another, been declared by the Legislature to be navigable, and if this amendment of the gentleman from Madison prevails, then in almost every county the county seat will be removed to these streams, and the whole purpose of the first section would be defeated. It would appear from the source whence this amendment came that its object was to benefit Alton at some future time. He had no hostility to Alton, but was proud to see her growing and increasing; but he desired to see her advance without the aid of laws and constitutional provisions, which, while they were calculated to be of advantage to her, were vastly prejudicial to the other sections of the state. The gentleman last up had told us that Galena has occupied some of the time of the Legislature, as well as Alton; that bills for the erection of a court there had been before the Legislature, and that there are appropriations made annually to pay for her municipal court. Well, sir, it is true, we have a municipal court there, but it was only called for when necessity demanded it, and the expense to the state is but $250 a year. Look at Alton—not a session of the Legislature passes by, sir, but there are demands made upon the state to pay for committees to examine into, or for appropriations for, the expenses of her penitentiary or repairs, &c.

Mr. BROWN explained, that the people of Alton had nothing to do with the penitentiary; it was not built for their benefit; it was erected for the whole state, and Galena had her share of its occupants.

Mr. CAMPBELL replied, that he knew that it was not built for the benefit of Alton, but from the anxiety always manifested by the members from that place, in relation to it, he considered the city somewhat interested in the appropriations made for it. Mr. C. earnestly hoped the amendment would not be adopted. It would defeat all the good that we had done in the first section, and upset all the benefits we looked for so confidently from its results. That there was anxiety felt by those who opposed it was manifest, that they desired to carry out the private and local interests they represented was clear; and he hoped the Convention would frown down all efforts to benefit particular portions of the

state to the injury of others. This anxiety was manifest from the language and acts of the member whom we had chosen for our president; manifest from his speech to-day, and from the character of the committee he had selected to act on this subject. He has shown to us that he is the representative of a few persons in his county who desire to break up old county lines and substitute others. He was speaker of the House of Representatives of the last Legislature, and as such used every means in his power, and all the influence of his position, to carry through his favorite scheme. We find him here again in this Convention—its President—struggling and urging with all possible energy the same isolated and local measure. Has this Convention met for the purpose of carrying out the objects and aims of local matters? Have we elected our President with a view that he might use his position for that purpose? No, sir. We have assembled for a higher purpose; we have assembled to adopt such provisions as may best suit the whole people. This section now before us will carry out that view, and we should adopt it. We should throw aside all local, private and personal views, and adopt such as will benefit the people of the whole state.

Mr. EDWARDS of Madison warmly repelled the attack upon Alton, and advocated the adoption of the amendment.

Mr. SMITH moved the previous question; which was ordered.

Mr. BROWN said, he desired his amendment should be tested on its own merits, and not to be endangered by the section to which it was to be attached. He inquired, therefore, of the chair if he could not withdraw it now, and offer it afterwards as an additional section.

The CHAIR replied that he could do so.

Mr. BROWN withdrew his amendment.

The question was then taken on the adoption of the second section, and it was adopted.

The Convention then took up the first section of the report of the majority of said committee, as follows:

Section 1. No new county shall be established by the Legislature which shall reduce the county or counties from which it is taken, or either of them, to less contents than four hundred square miles, nor shall any county be established of less contents, unless

it shall contain within its prescribed limits four thousand inhabitants, nor shall such new county be organized until a majority of the qualified voters within its prescribed limits, at some election held for that purpose, shall have voted in favor of such organization.

Mr. BROWN offered the amendment, just withdrawn, as an amendment to this section, to follow it as a separate section.

Pending which the Convention adjourned.

AFTERNOON

Mr. EDWARDS of Madison moved to suspend the rules to enable him to make a motion that the committee on Revision be authorized to employ a clerk. Granted, and the motion was agreed to.

The question pending at the adjournment was on the amendment offered by Mr. BROWN, and it was taken thereon, and the amendment was rejected.

Mr. WILLIAMS offered, as a substitute for the section, the following:

"All territory which has been or may be stricken off, by legislative enactment, from any organized county or counties, for the purpose of forming a new county, and such new county shall remain unorganized after the period enacted for such organization to take place, then such territory, so stricken off, shall be and remain a part and portion of the county, or counties, from which it was originally taken, for all purposes of county and state government, and to participate in all the immunities thereof, until otherwise provided by law."

Messrs. WILLIAMS, SINGLETON, SIMPSON, DAVIS of Montgomery, BROCKMAN and POWERS discussed the amendment in its bearings upon the county of Highland. All were in favor of the amendment; but disagreed as to the feelings of the people of Highland towards the counties of Brown and Adams.

Mr. SINGLETON offered the following, to be added thereto:

"The Legislature may, upon the application of a majority of the legal voters of any district of country, attach said district to any other county, or form a new county; Provided, the county lines are not thereby so altered as to run within ten miles of any county seat previously established."

The question was taken thereon by yeas and nays, and resulted—yeas 35, nays 96.

The substitute of Mr. WILLIAMS was then adopted.

Mr. MARKLEY offered, as an amendment, the same proposition offered by him in the morning, and which was then rejected.

Mr. WEAD opposed the amendment, which, he said, had for its object the division of Fulton county.

The question was then taken by yeas and nays on the amendment, and it was rejected—yeas 62, nays 65.

Mr. TUTTLE offered, as an additional section, the following:

"There shall be no territory stricken from any county unless a majority of all the voters living in such territory shall petition for such division."

[Mr. TUTTLE said: Mr. President—I am among those who have not troubled this convention much with long speeches, nor would I now trespass on their patience, but that I feel myself bound to support the adoption of this section. A similar amendment to that now offered was unceremoniously laid on the table, this morning, and it seems to me that it was for want of proper consideration on the subject. I conceive this amendment to be of great importance, as great injustice has been done in many instances; among which is that of Highland county, which was taken off Adams, contrary to the wishes of the people living in the territory so divided off; and in consequence the people have refused to organize, and persist in their refusal. The territory on which I live, also, was stricken off DeWitt County, with every voter living in that territory remonstrating against it. These two instances, Mr. President, are sufficient, in my mind, to show that great injustice may be done, without some such provision as this. If a county, Sir, either for political or local purposes, can detach any portion without the consent of a majority of the freeholders living in such territory, it appears to me to leave great room for a county containing 400 square miles to do great injustice to the extremes of the county. I know that my constituents will have cause to complain without some such provision as I have the honor to offer.

Some gentlemen say it is not likely that any county would do so. We see it has been done; and may be done again, hence, this provision is offered, to prevent it in future without the expressed consent of the people affected by it. I hope that every gentleman on this floor will see the justice of this amendment, and vote for its adoption.][55]

Mr. LEMON offered as an amendment thereto:

"No territory shall be added to any county without the consent of the county to which it is added."

Both of which were adopted, and the section, as amended, was then adopted.

SEC. 2. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the qualified voters of the county shall have voted in favor of its removal to such point.

Mr. WHITESIDE moved to add thereto:

"The Legislature shall, at the next session after the adoption of this constitution, proceed to lay off the state into sixty counties, as nearly in a square form as practicable; and when so laid off shall be permanently established.

"SEC. —. The foregoing section shall be voted upon separately at the election of adoption of this constitution, and if it shall receive a majority of all the votes cast for and against it, shall be a permanent provision, and supersede all others coming in conflict with the same."

Mr. SHIELDS moved the previous question; which was seconded.

The question was taken by yeas and nays on the amendment, and resulted—yeas 29, nays 99.

The 2d section was then adopted.

The balance of the reports were laid on the table, and the sections adopted were referred to the committee on Revision.

Mr. WOODSON moved to take up the report, No. 2, of the committee on Law Reform. Carried.

The Convention then took up the report, and, after a slight amendment offered by Mr. BROWN, it was adopted, as follows:

[55] This speech by Tuttle is taken from the *Sangamo Journal*, August 24.

PREAMBLE

We, the people of the state of Illinois, in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Illinois.

ARTICLE 1

SEC. 1. The boundaries and jurisdiction of the state shall continue to be as follows, to-wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the north-west corner of said state; thence east, with the line of the same state, to the middle of lake Michigan; thence north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river; and thence, down along the middle of that river, to its confluence with the Ohio river; and thence up the latter river, along its north-western shore, to the beginning.

ARTICLE 2

SEC. 1. The powers of the government of the state of Illinois shall be divided into three distinct departments, and each of them to be confided to a separate body of magistracy, to-wit: those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

SEC. 2. No person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted, and all acts in contravention of this section shall be void.

SEC. 3. The Governor shall nominate and, by and with the advice and consent of the Senate (a majority of all the senators concurring) appoint all officers, whose offices are established by this constitution, or which may be created by law, and whose appointments are not otherwise provided for; and no such officers shall be elected or appointed by the General Assembly; *Provided, further*, that officers, whose jurisdiction and duties are confined

within the limits of a county, and whose appointments are not otherwise provided for, shall be appointed in such manner as the General Assembly shall prescribe.

SEC. 4. No person shall be elected or appointed to any office, either civil or military, in this state who is not a citizen of the United States, and who shall not have resided in this state one year next before the election or appointment. Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also an oath of office.

Mr. PETERS moved to take up the report of the special committee on townships. Carried.

Sections 1 and 2 were adopted, and section 3 was under consideration, when the Convention adjourned till to-morrow at 8 a. m.

LXI. SATURDAY, AUGUST 21, 1847

Mr. COLBY moved to suspend the rules, to enable him to offer the following resolution:

Resolved, That 5,000 of the 50,000 copies of the constitution, ordered to be printed, be printed in the German language.

Mr. GREGG said, that in reply to the enquiries of gentlemen, he would state that there would be no difficulty in procuring the printing of the new constitution in the German language. It had been the practice, for several years past, to order the printing of the executive messages in that language, and it was always promptly done. There were several German presses in the state, and gentlemen need be under no apprehension that they could not be procured to execute our order.

He was in favor of a suspension of the rule to enable his colleague to introduce his resolution. There was a large number of Germans in our state, generally honest, intelligent and industrious, but very many of them have not yet attained to a thorough acquaintance with the English language. It was due to them that they should be afforded the proper facilities to judge correctly of our action. We were submitting a new question of vast importance, for the determination of the people, and they had a right to demand the means of giving it a fair consideration. No question of greater moment could be submitted to the popular decision. It concerned not the present, merely, but the future. The interests of generations yet to come, were involved.—Did, then, the proposition of his colleague ask too much? Had not our German population the right to insist upon the privilege of examining the new constitution in their own mother tongue? It had been intimated that the proposition of his colleague indicated a consciousness of ignorance on the part of the Germans. It did no such thing. He claimed that they possessed a fair amount of intelligence, and had a reasonable knowledge of the principles of our institutions—a much greater knowledge, he thought, than many of those who insisted upon their ignorance. Did it neces-

sarily follow that men must be ignorant because they had not a thorough knowledge of the English language? Was all the wisdom of the world locked up in that language? Such was not his opinion. The German might comprehend the spirit and character of our institutions, and not know a word of English. He wished the resolution to be adopted. It proposed nothing but justice, and he trusted the Convention would see the propriety of affording an opportunity to a large and worthy class of our inhabitants, of weighing our action, and judging for themselves of the character of the new fundamental law, submitted for their adoption.

Messrs. McCallen and Brockman opposed the resolution; and Messrs. Roman, Colby and Markley supported it.

[Mr. ROMAN said, that from his peculiar position he felt called upon to make a few remarks upon the subject. In the first place, said Mr. R., I will state that one-third of the population of the county in which I reside are Germans, most of whom know nothing of our language. They are to be called on in a short time to vote upon the adoption of this constitution.

Is it right, sir, to compel this class of citizens to vote upon what they cannot possibly comprehend? I am informed that there is a German press at Quincy, and there will be no difficulty in having the requisite number printed in time to enable them to vote understandingly on the subject.

I will remark to my friend from Harding, that if he is of opinion that 1000 should be printed in wild Irish, I have no doubt the gentleman would make a good translator, and I will cheerfully recommend him for that office.

The gentleman seems perfectly familiar, from the specimens he has given us, with the wild Irish and all other wild languages, except the English.

Mr. ECCLES said—He thought if the convention would reflect one moment, there could be no serious objection to the proposition. It would be recollected that there were at this time within our borders several thousand Germans, who could not read the English language, and who in a short time would be called on to vote for or against the adoption of our constitution. As a general rule he was opposed to making any inroads upon the English

language, but in a case like the present, where so much was involved, as the adoption of an organic law; he thought an opportunity should be afforded to all to understand fully what they were called upon to adopt or repeal. He should therefore support the proposition.][56]

The question was then taken on suspending the rules, and resulted—yeas 104. Carried.

Mr. HURLBUT moved to amend, that 1,000 be printed in the Norwegian language.

Mr. BOND advocated the adoption of the resolution.

Mr. SERVANT opposed the resolution as a bad precedent.

Mr. PRATT hoped the amendment of the gentleman from Boone would be adopted. There were many Norwegians in the state, and he hoped the amendment would be adopted.

Mr. JAMES moved the previous question; which was seconded.

The yeas and nays were ordered on the amendment of Mr. HURLBUT and resulted—yeas 97, nays 47.

The question was then taken on the amendment as amended, and resulted—yeas 113, nays 33.

Mr. McCALLEN moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That one thousand of the fifty thousand copies of the constitution, ordered to be printed, be printed in the Irish and French languages.

The yeas and nays were ordered, and resulted—yeas 46, nays 85.

Mr. LOGAN moved to reconsider the vote adopting a resolution to adjourn *sine die* on the 25th inst.

Mr. Z. CASEY suggested that it would be better to postpone the reconsideration till Monday or Tuesday next. By that time we can be able to fix the proper day.

Mr. LOGAN replied that there was scarcely any one present who believed that the business could be disposed of by the 25th, and the subject might as well be disposed of at once.

[56] These remarks by Roman and Eccles are taken from the *Sangamo Journal*, August 26.

Mr. Z. CASEY moved to postpone the motion to reconsider till Monday next.

Mr. PINCKNEY asked for the reading of the resolution restricting speeches to fifteen minutes.—He considered that a part of it had been violated already, and therefore looked upon the resolution now, as null and void.

Mr. DAVIS of McLean was in favor of reconsidering now. He did not like to have the business rushed through in a hurry. We should consider well everything we did, and not suffer ourselves to fix a day of adjournment, and then have all the business to do at the last hour. He hoped the reconsideration would be had now.

Mr. CAMPBELL of Jo Daviess was in hopes that the reconsideration would take place now.—No one believed that the Convention would remain in session one hour longer than necessary, and why, then, have any time fixed for adjournment? The most important part of the duty of the Convention was about to be performed—the final adoption of the instrument, and the body should not be hurried in its action. He was in hopes the resolution would be reconsidered and rescinded, and that no time would be fixed for the adjournment.

Mr. KINNEY of Bureau agreed with the gentleman from Jo Daviess. He looked upon it as useless to fix any time for adjournment. We would not stay here a day longer than was necessary, nor would we adjourn before the business that we came here to perform was completed. Why, then, fix a time for adjournment?

Mr. Z. CASEY withdrew his motion to postpone the motion to reconsider till Monday next.

And then the resolution was reconsidered.

Mr. LOGAN moved to strike out the 25th and insert 30th.

Mr. Z. CASEY thought, when he came here, that all were prepared to carry retrenchment and reform into every branch of the government, and to practise it ourselves. But it appeared that such was not the case. He had listened to speeches here, upon economy, that pleased him; but we had gone off into wild, extravagant and useless debate, upon every subject, and had prolonged the session six weeks beyond the period when we should

have adjourned. He hoped all discussion would cease, and that we would proceed to close the business as soon as practicable.

Mr. SIBLEY said, no one was more anxious to go home than he; but he agreed with the gentleman from Jo Daviess, that there was no use in fixing any limit. We could not go home till we had done, and when that time came, he supposed there would be no objection to adjourn.

Mr. DAVIS of McLean replied to the gentleman from Jefferson, and said that if anything more than another had tended to prolong the session, and to retard the progress of the Convention, it was that gentleman's interminable cry of adjourn! adjourn! That gentleman, from whom we all expected so much, on account of his age and experience, has kept quiet and silent in his seat; has never given us the benefit of one single suggestion and has not introduced a solitary provision which would redound to the honor and glory of his state. Nothing but continual croaking, adjourn, adjourn. He has deprecated the discussions that have taken place here, and says they were wild and useless. Was this so? We came here—one hundred and sixty-two men—all with views differing upon almost every subject. An interchange of opinion and sentiment was absolutely necessary, in order to arrive at any agreement. We have all had to abandon our own particular views to some extent, or else we could never agree upon a constitution. There was not a single provision in the constitution, that he, (Mr. DAVIS) approved of, taken by itself, yet he would support the constitution as a whole, because it embraces those views nearest his own that it was possible to get. In this way, we have compromised the views of all the members of the Convention, and it could only be done by a free and liberal discussion. During the whole of this time, the gentleman from Jefferson has not said one word on any of these subjects, has not opened his lips, has not even made a suggestion that would enable us to approach a conclusion, save and except his eternal cry of adjournment. The only thing that gentleman ever offered, was a resolution to adjourn on the 30th of July last. Mr. D. hoped the Convention would give full time to consider well what was going on, and not take any hasty steps, which perhaps could not be retracted.

Mr. E. O. SMITH moved the previous question, which was ordered.

The question was taken first on striking out "25th," and decided unanimously in the affirmative. And then on inserting "30th," by yeas and nays, and decided—yeas 58, nays 89.

The resolution (with a blank day) was adopted.

Mr. LOGAN moved to suspend the rules, to enable him to offer the following resolution:

Resolved, That the President of the Convention make out, and file with the Auditor, his certificate of the pay due to each member and officer of the Convention up to the 30th inst.

Mr. Z. CASEY said that he was opposed to the resolution, because if members were allowed now to draw their pay up to the 30th, in a few days we would have no quorum.

Mr. LOGAN then added to his resolution: "Provided that the Auditor issue no such warrant until that time."

Messrs. Z. CASEY, KNOWLTON, J. M. DAVIS and CALDWELL further discussed the resolution.

Mr. WITT moved to lay it on the table; yeas 36, nays not counted.

And the resolution was adopted.

Mr. CROSS of Winnebago moved to reconsider the adoption of a resolution, passed in June last, requiring the members to certify, on honor, the number of days in attendance; and the same was reconsidered, and laid on the table.

Mr. HAY asked a suspension of the rules, to offer a resolution that no new business be taken up, &c. And the Convention refused to suspend the rules.

Mr. GEDDES asked to suspend the rules, to offer the following resolution:

Resolved, That this Convention would deprecate a precedent of the kind, in the publication of any other document, but deeming this the most important document that ever can come before the people, have given their reluctant consent.

Mr. WHITNEY inquired what the "document" was? If the resolution was the "document", he would hardly give his "reluctant consent" to its going "before the people" as the "most important" ever heard of.

Mr. GEDDES was understood to say, the resolution had reference to the constitution, in the Norwegian language. The Convention refused to suspend the rules.

The Convention then resumed the consideration of the report of the select committee on the Organization of Townships &c.

The whole action of the Convention had yesterday was on motion reconsidered.

Mr. WEAD presented the following as a substitute for the report:

"The General Assembly shall provide, by a general law, that the townships and parts of townships in the several counties of this state may become incorporated for municipal and local purposes by a vote of the majority of the qualified electors of such county."

Mr. KNOWLTON offered as a substitute for Mr. WEAD's amendment the following, which was adopted:

"The Legislature shall provide by law, that the legal voters of any county in this state may adopt a township form of government within each county, by a majority of votes cast at any general election within said county."

The section was then finally adopted by yeas and nays—yeas 87, nays 52.

And the report of the committee was laid on the table.

Mr. CALDWELL moved to add to the section the following, which was adopted:

"*Provided*, That the Legislature may, by the consent of the state of Kentucky, provide for concurrent jurisdiction on the river Ohio as far as the same is a boundary of this state, or in the event the state of Kentucky shall consent that the jurisdiction of this state shall extend to the middle or some other suitable line along said river, as far as the same is a boundary of this state."

The whole was then referred to the committee on Revision.

Mr. WOODSON moved to take up the report of the committee on the Bill of Rights; which motion prevailed.

Sections one and two were read and adopted—when

Mr. KNAPP of Jersey moved to go into committee of the whole on the report.

Messrs. LEMON and ALLEN opposed the motion. Messrs. CHURCH and McCALLEN supported it.

And the question being taken by yeas and nays, the motion was rejected—yeas 62, nays 65.

And then the Convention adjourned till 3 P. M.

AFTERNOON

Mr. THOMAS moved to reconsider the vote adopting the two sections of the report; and the motion prevailed—yeas 77, nays not counted.

Mr. THOMAS moved to lay the report on the table and take up the old bill of rights (the 8th article of the present constitution.)

Messrs. CONSTABLE and KNAPP of Jersey opposed the motion and Messrs. THOMAS, THORNTON, SCATES and GREGG supported it. And the motion was carried—yeas 88, nays not counted.

The old bill of rights was taken up and considered section by section.

Section one was adopted.

Mr. HAYES moved to add to the section—"and they have the right at all times to alter or reform the same, whenever the public good may require it."

Mr. CALDWELL moved to insert in the amendment, after the word reform—"or abolish."

Mr. EDWARDS of Madison opposed the amendment. The Legislature, under the provision, might hereafter assume the power, as representatives of the people, to set the constitution at defiance, and proceed to change or abolish the government, and show, as their authority, this provision in the bill of rights.

Mr. CALDWELL replied that the bill of rights was nothing more than an enumeration of certain natural rights that belonged to men, and in those rights it could not be denied were included the power to change, alter or abolish any form of government under which they were. The words contained in the amendment are expressly used in the declaration of independence. He could not see any possibility of such a case as stated by the gentleman from Madison, of the Legislature ever drawing from this mere declaration of the power to exist in the people, any authority to change the government. On the contrary this declaration of rights was a

restraint upon the Legislature. It declared the powers enumerated to be in the people alone, and therefore was a restraint upon any branch of the government exercising powers which were acknowledged to be vested solely in the people. All these provisions in the bill of rights are intended as restraints upon government in the exercise of their powers.

Mr. HAYES said, he agreed with the gentleman just up, and would vote for his amendment. He could not accept it, as he desired his own to be tested. If the Convention added it, he would gladly vote for it.

Mr. GREGG advocated the amendment and read the following extract from the declaration of independence:

"We hold these truths to be self evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the *right of the people* to ALTER or to ABOLISH it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Mr. HAYES accepted the amendment as part of his own.

Mr. HARVEY moved, as he said to show how ridiculous the provision would read in the constitution, to add to the amendment—"in conformity to the mode prescribed by this constitution."

Mr. CALDWELL said, that he regretted his feeble health which would not permit him to address the Convention upon the subject. He was surprised to hear the gentleman from Knox, or any man professing his political opinions asserting such a principle as that the people had no right to change or abolish their government, save in that mode laid down by the government. The right of the people to change or abolish their government has been recognized and acknowledged by all men. It has never been disputed by those who acknowledge all power to be derived from the governed. But lately, the principle contained in the gentleman's amendment has been asserted, and an attempt was made to en-

force it in the state of Rhode Island, where they denied the people the power to change the government, except as prescribed by the charter. Men were then found who asserted the natural rights of man, and for so doing they were seized, tried and imprisoned, and this by men whose principles are the same as those asserted by the gentleman from Knox. Men who claimed for the people, the right of instituting a government of their own and of throwing off the obnoxious charter of Charles, were seized, imprisoned and branded as traitors. Mr. C. said, his strength would not allow him to proceed.

The question was taken on Mr. HARVEY'S amendment, and it was rejected—yeas 45, nays 68.

Mr. PALMER of Macoupin thought the amendment unnecessary. He considered the section as it stood as containing everything that was desirable. "All power is in the people." Did not this secure everything which the gentleman's amendment called for? That the people had the right to change or abolish the government was unquestionable. But in what way? What mode did the gentleman desire to express by the amendment? If, by the amendment, he intends to assert that the people have the moral right to overturn the government, without regard to the constitution, without regard to all the private rights of man, without regard to the rights of minorities, and all those other sacred rights secured among men, than he was not in favor of the amendment, because it asserts a political heresy. He considered the amendment as useless. We are not a young state. We have had a government for years, and the people are familiar with the old Bill of Rights. They have lived under it for thirty years, and have never complained of it, why, then, introduce this amendment? We have not met here as political doctors, for the purpose of applying political remedies by way of experiment for diseases that have never been complained of. Let gentlemen apply themselves to the cure of evils under which the people do suffer, and leave off doctoring on subjects where no complaint has ever existed.

Mr. ARMSTRONG moved to strike out "abolish."

Mr. CAMPBELL of Jo Daviess was disposed to favor the amendment. He believed that all power was in the people, derived from them, and delegated by them to those appointed as

their governors. He believed that they had a right to change or abolish the form of that government. Suppose, for instance, that this Convention were to repeal the old constitution, and adjourn without forming another, would not the government of the state of Illinois be abolished? If the people have the power to alter or change this constitution, they have, by the same right, the power to abolish it entirely. If they desire it, they have the same power and right to abolish the government entirely, as they have to change it in one single point. If this be so, what becomes of the objections to the amendment? They have, then, a right to do away with the government altogether, and substitute any other form of government, provided it be republican. The denial of this right, and the assertion of the principle that the people had no power to abolish or change their government, except by that mode pointed out by the government itself, and by its will and consent, was the doctrine of the federalists in Rhode Island where they resisted the efforts of the people to establish a democratic government. This odious doctrine was the cause of the trouble in that state where federalism and federalists ruled with on iron hand the people, and crushed by its means the upright republican spirit of the masses. To sustain this principle, they manacled the champion of the people, and branded him as a traitor. Were gentlemen disposed to inculcate or preach this doctrine in Illinois? If so, and if he was not much mistaken, they would find to their cost that such tyrannical and federal sentiments met with no response in the free people here. The federal leaders in Rhode Island denied the right of the people to change their government, until they conformed with the charter. The democratic party there, and everywhere else they were sustained, argued that the people, though they have yielded up certain powers for the purposes of government, have a perfect right to resume that power, and to change or abolish that government and to substitute another whenever it may suit them so to do. This was the democratic doctrine there, was democratic doctrine here, and was recognised by all except those federalists of Rhode Island, and their kindred spirits all over the country.

Mr. GREEN of Tazewell replied, and defended Rhode Island from the charge of federalism.

Mr. ARMSTRONG withdrew his motion.

Mr. DAVIS of Montgomery said, that in looking at this question he differed from some of the gentlemen. He laid it down as a fact that the people of the state of Illinois, having once formed a government, had the power to abolish that government; but that they could exercise this power in two ways only. The first was, to abolish or change it in that manner and mode pointed out by the constitution itself; and the other was, by a revolution. This was his view of the matter. Did gentlemen reflect to what lengths their arguments carried them? Was it possible that when they advanced the doctrine that the poeple had the right at any time to change the government, they fully apprehended what the principle was that they advocated? When he returned to Bond county, he would tell Mr. Waite that on the floor of this Convention there are gentlemen from the north who scout repudiation as a monster, but who are boldly advocating the very same doctrine that he is advocating in that county on the stump. He would tell him that in this Convention there are men who are proclaiming to the world that the people have the power and the right, at any moment, to rise, overturn the government, break through all its obligations, erect another government, destroy every solemn engagement entered into by their rulers, and at one fell swoop wipe out the whole state indebtedness. He would tell him that there were men here who, though not in words, yet beneath the principle contained in this amendment, were contending strenuously for the very doctrine of repudiation which that gentleman so openly advanced.

Mr. GREGG. Will the gentleman from Montgomery allow me to explain? I can set him right as to my views.

Mr. DAVIS. Let me alone, sir. When I have got through you may explain.

Mr. GREGG. I will let you alone; but I have a right to explain when you misrepresent me.

Mr. DAVIS. I have not misrepresented you. If you say I have, then you say that which is not true.

Mr. GREGG. Well you do misrepresent me.

Mr. DAVIS. Then you lie.

Mr. GREGG. And you are a liar.

Mr. DAVIS, (much excited, advanced a step towards Mr. G. and took up a glass containing water from the desk before him, as if to throw at Mr. G. and then put it down again and) said, that he had not misstated what the position of the member from Cook was. The ground had been taken here that the people had a right to break up the government at pleasure, that in so doing they would destroy that government, violate its contracts, and send its creditors away without any power or government from whom they could demand their just debts. This he said, was the doctrine advanced by the repudiators, and he said so still.

So far as this difficulty was concerned he would settle that with the member from Cook, as soon as the Convention adjourned. He would have that matter disposed of at once. They would not go to St. Louis to settle the question. He had not charged any one with repudiation, but the doctrine was the same, whether advanced by repudiators on the stump or by men with gold templed spectacles here. He would trouble the Convention no longer.

Mr. LOGAN could see no necessity for any excitement on the subject. Gentlemen all agreed that the people had the power to abolish the government, and only differed as to how that power was to be executed and really saw no necessity for any excitement on the subject. He did not approve of putting this provision in the constitution, as it was one tending to destroy a constitution. The people had the power but there was no necessity for this provision.

Mr. CALDWELL rose to bring about an explanation, but Mr. DAVIS left the hall.

Mr. CONSTABLE agreed with Mr. LOGAN, that the people had the power, but doubted the expediency of inserting it in the constitution.

Mr. EDWARDS of Sangamon, advocated the amendment at some length, and cited the constitutions of nearly all the states in the Union to sustain it.

Mr. KITCHELL offered as a substitute for the amendment and the section the following, which was accepted by Mr. HAYES:

"That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness; for the advancement of these

ends they have an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.''

Mr. HAYES defended the amendment, and pointed out the difference between its principle, and the principle of repudiation. We are compelled from want of room to omit his remarks.

Mr. DAVIS of Montgomery said, he rose for two purposes, one to say something in explanation of what had occurred, and the other to offer a few words upon the question. He did not intend to make any apology for what had occurred. But he knew he was of an excitable temperament and often said things that were wrong. He desired to say what he had said in the course of his remarks when up last. (Mr. D. here repeated exactly what he had said down to the time of the interruption.) This was what he had said, and he said so still. He had said in connection with what others had said, as to the power of the people and their right to abolish a government at will, that a gentleman in Bond county, well known there for his talent, and the perseverance with which he followed the subject of repudiation, had taken the same ground as to the doctrine of repudiation, and advocated the same principle. He did not when he had said this, desire to be misunderstood so far as to charge the gentleman from Cook with being a repudiator. He knew him to be no repudiator. They had been in the legislature together, and he knew him to entertain no such views. He did not believe there was a single man on this floor who entertained views of repudiation, but he had alluded to the fact merely to show that the doctrine was the same.

Mr. D. then entered into the discussion of the amendment and in reply to the member from Jo Daviess.

Mr. GREGG rose and said, that it was due to himself and due to the Convention that he should make some few remarks upon the difficulty that has taken place and upon the question now before us. He had understood the gentleman from Montgomery as charging him in distinct terms, with entertaining the doctrines of repudiation, which he scorned and held in abhorrence above every thing. He rose to explain that such were not his views, when that gentleman told him to let him alone. Under some excitement, caused perhaps by that member's manner, he told him he should

not misrepresent him. In answer to which was applied an epithet that he felt bound to retort. He considered that the member from Montgomery had represented him as holding the doctrines of the repudiators, but was satisfied from what had fallen from the member just now, and from what his friends around him assured him was the fact, that such was not the case, and he was led to believe that he had not been so represented.

Mr. G. then addressed the Convention in favor of the amendment.

Mr. SCATES and Mr. KNAPP continued the discussion upon other points, and

Mr. ROBBINS moved the previous question, which was ordered.

And the question being taken, by yeas and nays, on the amendment of Mr. HAYES, it was rejected—yeas 50, nays 74.

The second section was adopted.

The Convention adjourned till Monday morning, at 10 o'clock, A. M.

LXII. MONDAY, AUGUST 23, 1847

Prayer by Rev. Mr. PALMER of Marshall.

Mr. DALE asked a suspension of the rules to enable him to present a petition; and the rules were suspended.

He then presented the petition of James Stafford and 32 others, of Bond county, praying that constitutional provision be made for the appointment of a general superintendent of common schools; which petition was read.

Mr. D. moved that, as the committee on Education had already reported, the petition be laid on the table, to be considered when the committee's report shall be taken up.

Mr. HAY moved a suspension of the rules to enable him to offer a resolution; and the Convention refused to suspend the rules.

The Convention resumed the consideration of the old Bill of Rights.

Section 3 was adopted as follows:

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to sustain any ministry against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

Sec. 4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

Mr. BALLINGALL moved as a substitute therefor the following:

"No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent

to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion."

Mr. GEDDES moved to lay the substitute on the table; on which motion the yeas and nays were ordered, and it was decided in the affirmative—92 yeas, 42 nays.

Mr. THORNTON moved to amend the section by adding the following: "And that the civil rights, privileges or capacities of any citizen shall in no-wise be diminished or enlarged on account of his religion."

Mr. JENKINS offered the following as a substitute for the section and amendment; which was rejected.

"No person who shall deny the being of a God, or who shall hold religious principles incompatible with the freedom or safety of the state, shall be capable of holding any office or place of trust or profit in the civil department of this state."

Mr. ECCLES offered the following as a substitute for the amendment:

"No person denying the existence of a Supreme Being, or a future state of rewards or punishments, shall be a competent witness in any court in this state."

Mr. CONSTABLE moved to lay the amendments on the table; and they were laid on the table.

The section was then adopted.

Sec. 5. That elections shall be free and equal.

Mr. BOND offered, as an additional section, the following:

Sec. —. The Legislature shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color, from immigrating to and settling in this state; and to effectually prevent the owners of slaves, or any other person, from the introduction of slaves into this state for the purpose of setting them free; *Provided*, that when this constitution is submitted to the people of this state for their adoption or rejection, the foregoing shall be voted on separately as a section of said constitution; and, if a majority of all the votes cast for and against the same shall be for its adoption, then and in that case the same shall form a section of the new constitution, but if a majority shall be against its adoption, then the same shall be rejected.

Mr. SINGLETON offered the following as a substitute therefor:

"No negro or mulatto shall hereafter be permitted to acquire and exercise any civil or political rights, or residence within this state; and the migration or introduction of all persons usually denominated negroes or mulattoes into the state, is hereby forever prohibited; and the Legislature shall at their first session, provide such adequate penalties as will secure the fullest operation of the foregoing provisions. This section shall be submitted to the people for their ratification or rejection, and to be voted upon as a separate section, and if more votes be cast for its adoption than against it, it shall become a part of the constitution of this state."

Mr. WHITNEY was surprised that such an abhorrent proposition should be introduced into a constitutional Convention in the state of Illinois, in this enlightened age of civilization, humanity, and christianity. Were gentlemen serious when they propose to us to engraft such a cruel and abhorrent proposition in the constitution? If the brightest seraph that stands at the foot-stool of the great Jehovah were to descend, by the order of his master, and tell him that this constitution, in all other respects, was the most perfect production of human intellect and this provision were placed in it, he would place his right arm in a blaze and burn it to the shoulder, [rather] than suffer it to be the instrument in depositing a ballot in favor of the constitution. What new light had broken on Illinois that in this day of civilization and humanity, we were called upon to adopt, in our fundamental law, a provision that would disgrace the code of any government—the most despotical. He believed that the friends of the measure would be able to carry it here, and carry it before the people, but did they not endanger the constitution by it? Would not those who feared and abhorred this provision, when once satisfied that it would pass, in order to save the character of the state from shame and obloquy in the face of the world, all vote against the constitution?

[Mr. WHITNEY of Boone, rose and thus addressed the chair: Mr. President,—The few minutes allowed for debate, by the rules of this convention, precludes me from an investigation

of the subject under consideration; and I arise only to express my astonishment, at the introduction of the section and the proposed substitute, and my abhorrence of the principles they propose to incorporate into the organic law of the State.

On this question I find myself singularly situated: compelled by principle to pursue a course that will brand me here as an abolitionist, while I know my own constituents, of every political cast, consider me anything but a political abolitionist.

I am not wanting in kind feeling and sympathy for the people in the southern portion of this State, nor of this nation; and I believe that misapprehension prevails among our brethren of the south in regard to the real sentiments entertained by the North; or such a section would never have been proposed to disgrace the constitution of the State of Illinois.

And here in a few words I propose to define, now and forever, my position on the question of slavery and all laws affecting the colored race; and what I understand to be the position of the North on this exciting subject.

We hold it to be the right, the duty of the citizens of every state, on all occasions and under all circumstances, by all reasonable and just means, to oppose the extension and perpetuity of slavery and its attendant evils; and the duty of every citizen of this boasted land of freedom, to oppose the existence of slavery in all the territories under the jurisdiction of the general government, and the further acquisition of slave territory, and to employ all constitutional means for confining slavery and slave laws, with all their attendant *blessings* and *curses* to the States in which slavery now exists.

I listened with attention to arguments of members on this subject, some week since; I heard their dolorous complaints of certain counties in the State being overrun with an idle and vicious colored population; and I then believed, and now believe, they told the truth. But sir, when they told us of the evils, did they tell us that efforts had been put forth to *elevate* these unfortunate persons in the scale of being? No sir, no. No one told us that the Gospel had been carried among them; that schools had been established for their improvement; nor that *any* means of intellectual culture had been put within their reach. Hence

the cause of the evils is obvious and their *parentage certain;* and equally obvious and certain are the means of cure.

Mr. President, the spirit of fanaticism and misguided zeal on this subject is passing away, and the spirit of liberty, humanity and philanthropy, is seeking its natural and healthful channels; but *is sending its currents deep and strong through all the Northern soil!*

And it is not sufficient for me that a separate submission of this section is proposed. It is wrong in principle; it is in violence of truth, justice and humanity, and I am opposed to its going forth to the world in any form, the inhuman and crowning error of this *august assembly.*

The report from the committee on the bill of rights, for which this substitute is proposed, incorporates the principles, contained in the substitute, into the constitution without a separate submission to the people.

It has, Mr. President, been frequently and tauntingly remarked on this floor, of several of the small counties, that they are not of the State of Illinois. This has been gratuitously said of the county I have the honor in part, to represent. Now, sir, I do not claim that the county of Boone exercises any very considerable influence in the State, nor do I claim to exercise any controlling influence over that county; but I thank Heaven there is *one vote* in that county I do control; and it is of that *vote* I speak when I declare before Him that *lives forever* and *ever*—and I call Heaven and earth to record; that if the highest Seraph that waits before the Omniscient Throne should descend, and declare to me that all of the constitution, beside, was as perfect as human ingenuity and wisdom could make it, I would doom my *hand* to the *flames* before it should bear to the polls a vote for a constitution embracing the *principles* contained in the section now under consideration.

And it should not be thought strange that a few of the members of this convention, who were raised in States that have long since wiped the foul blot of slavery from their constitutions, and from their statute books all laws that oppress the colored race, should express, by their votes, their abhorrence of the *base* proposition on which we are now called to deliberate. Nor should

honorable gentlemen be surprised to find that some of us who have been, from our infancy, accustomed to hear the 4th of July break from valley, from hill side, and mountain top, with

"My native country, *thee*,
Sweet land of liberty!
Of thee I sing,
Land where my fathers died,
Land of the Pilgrim's pride,
From every mountain side
Let *freedom ring*,"

should by our votes, on this question declare our eternal opposition to injustice and oppression. Nor should they be surprised that a few of us, who in childhood were pointed to that proud *era* when the heroes of '76 flung to the breeze the standard sheet, and the bird of Jove soared from her tempest rocked eyrie on the mountain pine and perched upon its ample folds—that we who have been taught, and believe, the doctrine proclaimed by the Continental Congress *in a voice that shook the political universe*, "That all mankind are created equal and are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness;" *dare*, amid the whirlwind of slavery that is this hour raging through this convention, record our votes against the inhuman principles of the section before us, let them be presented when, and in whatever form, they may. Numbers may triumph, and this convention may, and undoubtedly will, declare by an overwhelming majority that humanity, truth and justice are strangers to the State. Yet, sir, I believe that truth is omnipotent and will ultimately prevail; and though,

"Crushed to earth she will rise again;
The eternal years of God are her's,
While error, wounded, writhes in pain,
And *dies* amid her worshipers."

And I thank God that I am this day well enough to be in my seat; and I thank Him for the opportunity I have, standing in the Capitol, amidst the assembled wisdom of the State,—the free representative of a free constituency, to declare of this section, by my vote, "out damned spot, out I say." And though I may be forced, from surrounding circumstances, to the painful con-

viction that the day that brings justice and freedom to the colored man is far away,—yet believing that the Throne of the Universe is not filled by a vindictive Being who delights to wreathe his brow with oppression and human misery—I look down the dark vista of coming years, and behold the dawn of the auspicious day,

"When prone to the dust oppression shall be hurled,
Her name, her nature, withered from the world."][57]

Mr. AKIN said, that he understood this was a compromise question, and also understood that there was to be no debate; therefore, he moved the previous question.

At the urgent request of many gentlemen, the call for the previous question was withdrawn.

Mr. McCALLEN said, that he was not prepared to travel over the broad field of poesy that the gentleman from Boone had traversed, but would take a less beautiful, but a more common sense view of the subject. One would suppose from the remarks of the gentleman, that the stars that gem the heavens, and shine like brilliants in the canopy above, if this proposition be passed, would be blotted out; that the heavenly bodies would be obscured, that the evolutions of the globe and all the luminaries of creation would be stopped still in their orbits, and all nature would be reduced to one chaos of darkness and deep obscurity. What an awful state of affairs! He believed no such thing, but would say to those gentlemen that the people of the south would not suffer the evils and vices attendant on a negro population any longer. He warned gentlemen that the south had borne with them long enough—had suffered them to remain there—had endured all species of inconvenience and injury from them, and could bear it no longer. He warned them that unless they now came forward and permitted adequate protection to the south from being overrun by these swarms of free negroes from every state in the Union, that the people of the south would take the matter into their own hands, and commence a war of extermination. Were they to sit quietly and witness this degraded population, these idle, thieving negroes, who were driven from other states, or set

[57] This account of Whitney's speech is taken from the *Sangamo Journal*, September 3.

free on condition of their coming here, overrun the whole south, and raise no voice to call for protection, for fear of shocking the humane feelings of such men as the gentleman from Boone and a few others? The south had already given up much, by allowing this matter to be submitted separately, and he demanded its passage in justice to her people.

Mr. PRATT said, that this subject needed no discussion; and, as much time would be spent in crimination and recrimination, and all to no good, he moved the previous question. On which motion the yeas and nays were ordered, and the Convention refused to second the demand for the previous question—yeas 59, nays 76.

Mr. DAVIS of Montgomery said, the people at the south—the constituents of the southern delegates upon this floor—are all in favor of an unqualified prohibition of negro immigration; they do not, as their delegates well know, want any such provision to be submitted to them separately, they want it to be embodied in the constitution. But, sir, the southern delegates here, in a spirit of compromise have yielded the well known desire of their constituents, and have agreed to submit to the people the provision in a separate form, in order that if the north had the numerical strength to let them vote it down. Under these circumstances he thought that there would have been no discussion upon the subject, he believed with the gentleman from Jo Daviess, that not a single vote will be changed if we discuss the subject for a month, but the south was willing to vote silently upon the subject, and the gentleman from the north refused to do so. They have taken, as he considered, the wrong course and have gone into a discussion. He would say a word or two upon the subject which had been alluded to—slavery. These gentlemen come here and upbraid us as the friends and advocates of slavery and the unfeeling and tyrannical oppressors of the poor degraded negro. We are no such thing. We are men who have come here from southern and slaveholding states, we are men who have seen the evils of a negro population, we came here to escape them, and we wish to prevent the increase within this state of that class of population more vicious and more degraded than even slaves—free negroes.

It came with ill grace from the gentlemen from the north, to

charge those at the south with being oppressors of the negro. Where did they come from, who were their ancestors? They, sir, are the sons of New England and of New York. They are the descendents of those men, who, when their states adopted the scale of years for the emancipation of the slaves within their limits, carried off their negroes to the southern market and sold them for cash, and returned to invest the price of human souls, directed by law to be emancipated at a certain time, in land, in cattle and other property. These charges come from men who have become heirs to property purchased with the price of human blood and immortal souls! How can they then charge us with being the oppressors of negroes, when we only ask that we may be allowed to keep them from our midst, to be rid of their evils and their thieving, while they are enjoying the proceeds of negroes sold by their ancestors, the price of human blood and degradation.

Mr. PINCKNEY opposed the amendment as unjust and oppressive, and as calculated to excite against the constitution the opposition of a large class of people who had some regard for humanity and justice.

Mr. WEAD could not see, in the proposition now before them, any of those unjust, inhuman or abhorrent features, that other gentlemen seemed to have discovered. It could not work injury to any person. It would not operate upon the rights, privileges and property of those negroes residing here at the adoption of the constitution; it had for its object only the prohibition of negroes immigrating here for the future, and the crowds of that race flowing in upon our state, filling up our southern counties with an idle, worthless and degraded population, which not only were a trouble and a nuisance to the communities near which they settled, but also prevented a better population from occupying the lands covered by them. That we had the right to exclude them he considered a plain question. We had the right to exclude from our soil any race or class of persons, no matter what their color, their creed, or their place of nativity. The first duty of every government was the protection of its own citizens, and to do so, if such were necessary they may exclude the immigration of any people. The question was then one of expediency, and not one of humanity, christianity, or benevolence. Such was but the

miserable, false and absurd veil thrown over the true question by those who, desirous of other ends, attempt to hide them by their loud cries of sympathy and humanity for the human race. Gentlemen from the south have told us of the evils and wrongs inflicted upon the southern part of the state, in consequence of the crowding in upon them of this negro population, which is emphatically the refuse of humanity. It was then the question, shall we protect the white inhabitants of this state from any further evils and wrongs from this wretched population, which other states were driving out of their limits and forcing into our own. Will any man refuse to give the people the privilege of voting upon a provision that will afford them protection? Mr. W. said that when this subject was up before, he considered that the Legislature had the power to impose adequate barriers to the immigration of these negroes, but as the question now before them submitted the question to the people, he was willing to allow them to vote upon it.

Mr. SINGLETON advocated his amendment and pointed out its more practicable and efficient points as compared with the amendment of Mr. BOND.

Mr. WILLIAMS opposed both propositions.

Mr. PALMER of Macoupin defended his position upon the question. He would vote for the proposition. While up, he administered a rebuke to those members on the floor who had represented him at home as having voted with the abolitionists.

Mr. BLAIR moved the previous question; which was ordered.

Mr. LOGAN moved the Convention adjourn. Lost.

The question was then taken by yeas and nays on the substitute offered by Mr. SINGLETON, and it was rejected—yeas 14, nays 127.

The question recurred on the amendment of Mr. BOND, was taken by yeas and nays, and decided in the affirmative—yeas 97, nays 56.

And the section was then adopted.

And the Convention then adjourned till 3 P. M.

AFTERNOON

Sec. 6. That the right of trial by jury shall remain inviolate.

Mr. SWAN moved to amend the section by adding thereto:

"The Legislature shall pass no law, nor shall any law be in force after the adoption of this constitution, that shall prohibit the citizens of this state from feeding the hungry, or clothing the naked, or restrain them from exercising the common principles of philanthropy or dictates of humanity. Nor shall any law remain in force that recognizes the principle that a person of color is presumed to be a slave until he has proved himself to be free; or that prescribes whipping as a punishment for offences. But the Legislature shall provide by law for the support of schools for the education of colored children, and shall adopt such other measures as they may deem expedient for the benefit and improvement of colored persons in this state."

Mr. McCALLEN moved to lay the amendment on the table.

Mr. WHITNEY asked the yeas and nays; which were ordered and resulted—yeas 97, nays 28.

Mr. CHURCH offered the following, as an amendment to the section:

"The Legislature shall pass no law preventing any citizen of any one of the United States, from immigrating to or settling within this state."

Mr. AKIN moved to lay the amendment on the table.

On which motion the yeas and nays were ordered and resulted—yeas 84, nays 49.

Mr. WHITNEY offered as a substitute for the section:

"Trial by jury shall be allowed in all suits at law, but a jury trial may be waived by the parties in all civil cases in the manner prescribed by law." Rejected—yeas 30, nays not counted.

The section was then adopted.

Section seven was adopted, as follows:

Sec. 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are

not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 8. That no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

Mr. CROSS of Winnebago moved to strike out "freeman," in the first line, and insert "person;" and demanded the yeas and nays, which were ordered. The motion was rejected—yeas 26, nays 100.

The section was then adopted.

Sec. 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the county, or districts, wherein the offence shall have been committed, which county or district shall have been previously ascertained by law; and that he shall not be compelled to give evidence against himself.

Mr. PALMER of Marshall offered, as an additional section, a proposition in relation to the pay of members of the Legislature, &c.

Mr. DALE moved to lay it on the table.

Mr. PALMER withdrew his motion.

Mr. SIM offered an amendment; which was adopted.

Mr. KITCHELL and Mr. HAWLEY offered amendments; which were rejected.

The section was then adopted.

Sec. 10. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanor in office.

Mr. LOCKWOOD moved to substitute therefor, the following:

"No person shall be held to answer for a criminal offence

unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

And the question was taken thereon—yeas 65, nays 39. No quorum voting.

Mr. THORNTON moved to strike out the words: "or in cases cognizable by justices of the peace, or."

Mr. LOCKWOOD added to his amendment:—"*Provided*, that justices of the peace shall try no person, except as a court of inquiry, for any offence punishable with imprisonment or by death, or by fine above $100."

Mr. THORNTON then withdrew his motion to amend.

And the substitute was adopted.

Sec. 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives in the General Assembly, nor without just compensation being made to him.

Mr. KITCHELL offered the following, as an additional section:

"That no person ought to be detained or required to attend as witness in any case without just compensation, nor shall any man's particular services be demanded, or property taken or applied to public use, without just compensation, and in accordance with law."

Mr. CONSTABLE moved that it be laid on the table. Carried.

Mr. KITCHELL moved to amend by adding: "And the Legislature shall make provision, by law, for the payment of witnesses in criminal cases, where they are required to attend courts out of their own counties."

Messrs. LOGAN and CONSTABLE opposed the amendment.

Mr. HARVEY moved that it be laid on the table. Carried.

The section was then adopted.

Sections twelve and thirteen were adopted as follows:

Sec. 12. Every person within this state ought to find a certain remedy, in the laws, for all injuries or wrongs which he

may receive in his person, property or character; he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

Sec. 13. That all persons shall be bailable by sufficient sureties, unless for capital offences where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it.

Sec. 14. All penalties shall be proportioned to the nature of the offence, the true design of all punishment being to reform, not to exterminate mankind.

Mr. McCALLEN moved to amend the section, by making it read thus:

"All penalties shall be proportioned to the nature of the offence, the true design of all punishment being to reform, not to exterminate mankind, therefore punishment by death shall not be inflicted."

Mr. HAYES moved, as a substitute for the proposed amendment, the following: "It shall be in the discretion of the jury, in capital trials, to substitute confinement in the state's prison for capital punishment."

Mr. CAMPBELL of McDonough moved to lay both amendments on the table; on which motion the yeas and nays were ordered, and resulted—yeas 83, nays 49.

The section was then adopted.

Section fifteen was adopted, as follows:

Sec. 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

Mr. HARVEY moved to add, as a different section, the following; which was adopted:

"There shall be neither slavery nor involuntary servitude in this state, only as a punishment for crime, whereof the party shall have been duly convicted."

Sec. 16. No *ex post facto* law, nor any law impairing the

validity of contracts shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

Mr. WEST moved to insert after "made," "nor any law depriving a party of any remedy for enforcing a contract which existed when the contract was made."

Mr. WITT moved to lay the amendment on the table; which motion was rejected.

The amendment was then rejected.

Mr. LOGAN moved to strike out "validity," and insert "obligation." Carried.

Mr. WILLIAMS offered, as an additional section, (in a modified form) an amendment which had been frequently presented by him before, and was rejected.

Mr. EDWARDS offered a proviso, to be added to it; which was adopted.

Mr. HARVEY offered another proviso, which was adopted. And without taking a vote, the Convention adjourned till tomorrow at 8 A. M.

The question pending at the adjournment yesterday was on the amended amendment of Mr. WILLIAMS.

Mr. WHITESIDE moved to add to it the following:

Provided, further, That this amendment shall not apply to fugitives from labor.

Mr. HARVEY moved to lay the whole on the table; which motion was refused.

The question was then taken by yeas and nays on the amendment of Mr. WHITESIDE, and it was adopted. Yeas 73, nays 58.

Mr. HARVEY offered an additional proviso.

Mr. TURNBULL moved to lay it on the table. Yeas 58, nays 58.

And Mr. H.'s amendment was adopted.

Mr. KNAPP of Scott offered an additional proviso.

Mr. WILLIAMS inquired if he could not withdraw his amendment; and was answered he could not, the same having been amended.

Mr. WILLIAMS moved to lay the subject on the table; and the whole was laid on the table.

Mr. BROWN offered the following, as an additional section:

"If any person shall hereafter challenge another to fight a duel, with any deadly weapon or in any manner whatever, the probable issue of which might result in the death of either of the parties; or if any person shall accept or shall be the bearer of a challenge, or an acceptance of a challenge, whether the same be verbal or written, knowing the same to be such; or if any person shall be present at the fighting of any duel as aforesaid as the second or aid of either party, every person so offending shall thereafter be rendered incapable of holding or being elected to any office of honor, profit or trust, either civil or military, under the government of this state."

Mr. GRIMSHAW offered, as a substitute therefor, the following:

Sec. 29. Any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state; and shall be punished otherwise in such manner as is, or may be, prescribed by law.

Mr. WHITESIDE moved to lay them both on the table. And demanded the yeas and nays thereon, which were taken, and resulted—yeas 7, nays 126.

The substitute was then adopted, and the section was adopted.

Sec. 17. That no person shall be liable to be transported out of this state for any offence committed within the same.

Mr. WHITNEY offered, as an additional section, the following, which was ruled to be out of order:

Resolved, That the substitute for section six, article eight, offered yesterday by Mr. WHITNEY, be, and the same is hereby expunged from the journals of this Convention, and that the secretary write across the face of said substitute, the word "expunged;" and that the public printer print the word "expunged" on the face thereof.

Mr. BROCKMAN moved to add to the section, the following:

Provided, That the word freeman, as employed in this constitution, shall not extend to any negro or mulatto, nor shall the Legislature, ever hereafter, extend the right of suffrage to negroes or mulattoes of African blood.

Mr. ADAMS moved to lay it on the table.

Mr. SINGLETON demanded the yeas and nays on the motion, and they were ordered, and resulted—yeas 60, nays 51.

The section was then adopted.

Mr. WITT moved to reconsider the vote taken yesterday, rejecting the proposition of Mr. WHITNEY, to amend the sixth section, (in relation to jury trials); and the vote was reconsidered.

Mr. WHITNEY modified his amendment to read as follows, and to be added to the sixth section as it stood:

"And shall extend to all cases at law, without regard to the amount in controversy."

And the amendment was adopted—yeas 64, nays 50.

Section eighteen was then adopted, as follows:

Sec. 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

Mr. KNAPP of Jersey offered, as an additional section, the following, and it was adopted:

"The military shall be in strict subordination to the civil power."

Sec. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances.

Mr. DAVIS of Montgomery offered, as an additional section, the following, to follow section nineteen:

"The Legislature shall pass laws, with adequate penalties, preventing the intermarriage of whites with blacks; and no colored person shall ever, under any pretext, hold any office of honor or profit in this state.

Mr. CAMPBELL of Jo Daviess said, he did not think we had any right by the constitution to interfere with the particular tastes of people; if whites felt disposed to marry blacks it was a mere matter of taste, and we ought not to interfere with it.

Mr. DEITZ moved to lay it on the table. Rejected—yeas 55, nays 63.

Mr. WITT moved the previous question; ordered.

The question was then taken by yeas and nays on the adoption of the section, and was decided in the affirmative—yeas 79, nays 33.

Section 19 was then adopted.

Sec. 20. The mode of levying a tax shall be by valuation, so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession.

Mr. BOSBYSHELL offered as an additional section to follow section twenty, the following:

"The people at all times have a right to alter, reform or abolish their form of government, whenever the public good may require it."

Mr. HURLBUT moved to lay it on the table. On which

motion the yeas and nays were ordered and taken, and resulted—yeas 77, nays 47.

Mr. TURNBULL offered an amendment to section 20, which

Mr. Z. CASEY moved to lay, together with the section, on the table; and the motion was carried.

Section 21 was laid on the table.

Mr. KNAPP offered the following as an additional section, and it was adopted:

"No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in manner prescribed by law."

Mr. SERVANT offered the following as an additional section, which was adopted—yeas 72, nays 44.

"That from and after the adoption of the constitution, every person who shall be elected or appointed to any office of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this state, shall, before he enters upon the duties of his office, in addition to the oath prescribed in this constitution, take the following oath: "I————, do solemnly swear (or affirm) that I have not fought a duel, nor sent or accepted a challenge, the probable issue of which might have been the death of the challenger or challenged, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the constitution; and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel during my continuance in office, so help me God."

SEC. 22. The printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

Mr. SHUMWAY offered as an additional section:

"No branch or branches of any United States bank shall be located in this state."

Mr. ECCLES moved a call of the Convention; which was ordered and made.

Mr. DEITZ moved to amend by adding—"unless first having obtained the consent of the Legislature."

Mr. CAMPBELL of McDonough moved to lay the whole subject on the table. Carried—yeas 74, nays 63.

Section twenty-three adopted.

Mr. WILLIAMS moved a reconsideration of the vote adopting the section prohibiting intermarriage of whites with negroes.

Pending which the Convention adjourned till 3 P. M.

AFTERNOON

Mr. WILLIAMS withdrew his motion to reconsider pending when the Convention adjourned.

Mr. EDWARDS of Sangamon moved the bill of rights, as amended, be referred to the committee on Revision, with the following preamble and resolution in the shape of instructions to that committee:

WHEREAS, so much of section nineteen of the bill of rights as provides for the restriction upon blacks, in connection with certain civil rights, privileges and immunities, is an implied admission of their possession of such rights, as citizens of this state and the United States, in the absence of such constitutional restrictions; and, *whereas*, the directions therein given to the Legislature presupposes that any portion of the people of this state would be in favor of conferring such rights and privileges (as is therein denied) to colored people; and *whereas*, the Legislature would have no power to allow to persons of color to hold office and without any constitutional prohibition have already passed laws with severe penalties, not only making intermarriage and marriage contracts between them and the whites a criminal offence, but null and void, therefore,

Resolved, That said article be committed to the committee on Revision with instructions to omit so much of said section as refers to persons of color.

Messrs. EDWARDS of Sangamon, CAMPBELL of Jo Daviess and LOGAN advocated the instructions; Messrs. LOCKWOOD and PALMER of Macoupin opposed them.

Mr. WITT moved the previous question; which was ordered.

And the instructions were adopted—yeas 71, nays 63.

Mr. ARCHER moved to take up the report of the committee districting the state into senatorial and representative districts.

Mr. CALDWELL said, there was other business for the committee to act upon, and he hoped this report would be passed over and the members of the 3d judicial district might have time to re-apportion that district.

Mr. ARCHER withdrew his motion.

Mr. CONSTABLE renewed the motion.

Mr. ECCLES opposed the motion on the same grounds urged by Mr. CALDWELL.

Mr. HARDING moved the previous question, which was ordered, and the report was taken up—yeas 68, nays 52.

Mr. WITT moved to refer the report to a select committee of one from each judicial circuit.

A long debate ensued upon what disposition should be made of the report, in which many gentlemen expressed their disapprobation of the report.

The question was taken, and the reference was refused.

Mr. CRAIN moved to refer to a select committee of 9, that portion of the report referring to the 2d and 3d judicial circuits.

Mr. HOGUE moved to add the 4th.

Mr. ARCHER moved to add the 5th.

Mr. AKIN moved to lay the reference on the table; on which motion the yeas and nays were ordered, and resulted—yeas 82, nays 49.

Mr. McCALLEN moved as a substitute for the report the following:

"Until there shall be a new apportionment of senators and representatives, the state shall be divided into senatorial and representative districts; and senators and representatives shall be apportioned among the several counties of the state in accordance with the provisions of an act of the General Assembly entitled "An act to apportion the representation in the several counties in this state," approved February 25, 1847.

Mr. WITT moved to amend the 22d and 23d districts, by making them form one district with two representatives.

Mr. AKIN moved the previous question; which was ordered—yeas 84, nays 57.

The question was then taken, by yeas and nays, on the amendment of Mr. WITT, and it was rejected—yeas 65, nays 68.

The question was then taken on the substitute of Mr. MCCALLEN, by yeas and nays, and it was rejected—yeas 46, nays 92.

Mr. BOSBYSHELL moved to adjourn. Lost.

The question was then taken on the adoption of the report, and it was adopted as follows—yeas 99, nays 36.

Section 1. Until there shall be a new apportionment of senators and representatives, the state shall be divided into senatorial and representative districts, and the senators and representatives shall be apportioned among the several districts as follows, viz:

SENATORIAL DISTRICTS

1. The counties of Alexander, Union, Pulaski, Johnson, Massac, Pope and Hardin.

2. The counties of Gallatin, Saline, Williamson, Franklin and White.

3. The counties of Jefferson, Marion, Wayne and Hamilton.

4. The counties of Washington, Perry, Randolph and Jackson.

5. The counties of St. Clair and Monroe.

6. The counties of Madison and Clinton.

7. The counties of Christian, Shelby, Montgomery, Bond and Fayette.

8. The counties of Effingham, Jasper, Clay, Richland, Lawrence, Edwards and Wabash.

9. The counties of Edgar, Clark and Crawford.

10. The counties of Vermilion, Champaign, Piatt, Moultrie, Coles and Cumberland.

11. The counties of Tazewell, McLean, Logan, DeWitt and Macon.

12. The counties of Sangamon, Menard and Mason.

13. The counties of Macoupin, Jersey, Greene and Calhoun.

14. The counties of Morgan, Scott and Cass.

15. The counties of Adams and Pike.

16. The counties of McDonough, Schuyler, Brown and Highland.

17. The counties of Hancock and Henderson.

18. The counties of Fulton and Peoria.

19. The counties of Rock Island, Henry, Mercer, Warren, Knox and Stark.

20. The counties of LaSalle, Bureau, Putnam, Marshall, Woodford, Livingston and Grundy.

21. The counties of DuPage, Kendall, Will and Iroquois.

22. The counties of Ogle, Lee, DeKalb and Kane.

23. The counties of Jo Daviess, Stephenson, Carroll and Whiteside.

24. The counties of McHenry, Boone and Winnebago.

25. The counties of Cook and Lake.

REPRESENTATIVE DISTRICTS

1. The counties of Union, Alexander and Pulaski.

2. The counties of Massac, Pope, and Hardin.

3. The counties of Gallatin and Saline.

4. The counties of Johnson and Williamson.

5. The counties of Jackson and Franklin.

6. The counties of Marion, Jefferson, Wayne and Hamilton, with three representatives; *Provided*, that no county in said district shall have more than one of said representatives, and the county from which a senator shall be selected shall not be entitled to a representative residing in said county.

7. The county of White.

8. The counties of Wabash and Edwards.

9. The counties of Lawrence and Richland.

10. The counties of Crawford and Jasper.

11. The county of Coles.

12. The county of Clark.

13. The counties of Cumberland, Effingham and Clay.

14. The county of Fayette.

15. The counties of Montgomery, Bond and Clinton, with two representatives.

16. The counties of Washington and Perry.

17. The county of Randolph.

18. The county of Monroe.
19. The county of St. Clair, with two representatives.
20. The county of Madison, with two representatives.
21. The county of Macoupin.
22. The county of Jersey.
23. The county of Greene.
24. The county of Scott.
25. The county of Morgan, with two representatives.
26. The counties of Cass and Menard.
27. The county of Sangamon, with two representatives.
28. The counties of Mason and Logan.
29. The county of Tazewell.
30. The counties of McLean and DeWitt.
31. The county of Vermilion.
32. The county of Edgar.
33. The counties of Champaign, Piatt, Moultrie and Macon.
34. The counties of Shelby and Christian.
35. The counties of Pike and Calhoun, with two representatives.
36. The counties of Adams, Highland and Brown, with three representatives.
37. The county of Schuyler.
38. The county of Hancock, with two representatives.
39. The county of McDonough.
40. The county of Fulton, with two representatives.
41. The county of Peoria.
42. The county of Knox.
43. The counties of Mercer, Warren and Henderson, with two representatives.
44. The counties of Rock Island, Henry and Stark.
45. The counties of Whiteside and Lee.
46. The counties of Carroll and Ogle.
47. The counties of Jo Daviess and Stephenson.
48. The county of Winnebago.
49. The counties of Putnam, Marshall and Woodford.
50. The counties of LaSalle, Grundy, Livingston and Bureau, with two representatives.

51. The counties of DuPage, Kendall, Will and Iroquois, with three representatives.

52. The counties of Kane and DeKalb, with two representatives.

53. The counties of Boone and McHenry, with two representatives.

54. The county of Lake.

55. The county of Cook, with two representatives.

Sec. 2. Until the General Assembly shall otherwise provide, the clerks of the county commissioners' courts in each of the aforesaid senatorial districts, and in such of the said representative districts as may be composed of more than one county, shall meet at the county seat of the oldest county in said district, within thirty days next after any election for senator or representative therein, for the purpose of comparing and canvassing the votes given at such election, and the said clerks shall in all other respects conform to the laws, on the subject, in force at the time of the adoption of this constitution.

Mr. AKIN moved to refer the report, together with that on the Legislative Department, to the committee on Revision. Carried.

Mr. EDWARDS of Madison offered a resolution granting the use of the hall, on Wednesday evening, to Prof. McGuffey, of Virginia; which was carried.

The Convention then adjourned.

LXIV. WEDNESDAY, AUGUST 25, 1847

Prayer by Rev. Mr. BARGER.

Mr. J. M. PALMER presented the following resolution:

Ordered, by the Convention, that the committee on Revision, to whom, on yesterday, the report of the select committee to divide the state into senatorial and representative districts was referred, be instructed to so modify said report, that the same shall stand as follows:

"The counties of Jersey and Greene shall constitute the twenty-second representative district, and shall be entitled to two representatives, and that they arrange the succeeding part of said report so as to correspond thereto."

Mr. WOODSON said, that he desired to trouble the Convention with a few remarks on this subject. When the motion was submitted yesterday by his colleague (Mr. WITT) to amend this report, it was immediately followed by a motion for the previous question, and it being sustained by the house, cut off all opportunity for explanation. There being no other mode of bringing the question fairly before the Convention, but in the form now proposed, he embraced the occasion respectfully to call the attention of the Convention to the injustice done the county of Greene by that apportionment reported by the committee. If he were to neglect to present the matter in its true light here, he should be recreant to the trust reposed in him by his constituents. A simple statement of facts will satisfy this Convention that we are asking for nothing more than we are justly entitled to. By reference to the map and the census, it will be perceived that Greene contains a population of 11,522, whilst Jersey contains only 5,637, being less than one-half of the reported population of Greene by 752[?]. But, although we are governed by the population of Greene, as reported to the Convention by the returns of the census of 1845, yet he would unhesitatingly assert, that even that is not the true population of the county by several thousand. Great injustice has been done that county by the imperfect manner of taking the census,

not only in denying her her true strength in the Legislature, but in other respects. In view of those facts, what justice is there in giving to Greene but one representative, whilst a county adjoining her, with less than one-half her population, has also one? Make the proposed change and both counties will be equally represented; the entire population will be represented and no injustice will be done to either. He wished to do no injustice to Jersey. Towards her he had the kindest feelings. He was under great and lasting obligations for kindness to him personally, and for the confidence she has, on former occasions, reposed in him; but he had duties to discharge to his constituents paramount to all other considerations. He would, if he could, accommodate that county, but he could not do so at the expense of the county he represented, to the people of whom he was under so many obligations. He hoped the motion would prevail. It was unnecessary for him to say more, as he desired to consume no time.

Mr. KNAPP of Jersey opposed the instructions. He thought that Jersey and other small counties, to whom was given the excess of larger and adjoining counties, should be entitled to a separate representative. It was the only safety they had.

Mr. WILLIAMS offered the following as an amendment to the instructions:

"And also that they so change the thirty-sixth section as to give Adams, including Highland, two representatives, and Brown one, and that they form two separate districts."

Mr. WILLIAMS urged the adoption of the amendment in justice to the county that he represented. In the course of his remarks he said, that the committee had been induced to form the district as it now stood, in consequence of a statement made to it by the gentleman from Knox, (Mr. HARVEY) who stated to the committee that six of the seven members of the Convention from the three counties were in favor of the arrangement, and preferred it to any other. That the two members from Brown, and his four colleagues, all were in favor of it, and preferred it to a district which gave Adams two and Brown one. Since then, he had been better informed and knew that the members from Brown desired no such thing, they both desired, if possible, that Brown should have a representative.

Mr. KINNEY of Bureau moved to amend the amendment by adding to it the following:

"That said committee arrange the report, that the counties of Marshall, Woodford, Livingston, and Grundy shall constitute the forty-ninth representative district, and be entitled to one representative; the county of LaSalle shall be the fiftieth district and have one representative; the counties of Bureau and Putnam shall form a separate district."

Mr. SINGLETON, in relation to the matter of arranging the district composed of Adams, Highland and Brown counties, made an explanation, the substance of which was, that he and his colleague were both very anxious to have a representative from Brown; that he used all his endeavors to get some whig on the committee to attend to the interests of the county. Not one of that party could be induced to interfere; they even declined voting on the question. The gentleman from Schuyler (Mr. MINSHALL) refused to have anything to do with it. After repeated and urgent requests, they succeeded in obtaining the gentleman from Knox to attend to the interests of the county and to endeavor, if possible, to have a separate district formed of the county of Brown and the eastern range of the townships of Highland county, for Brown alone had not a sufficient population to be entitled to a member. The committee refused to form a district of that kind; refused to divide a county. There was then no alternative but to be attached to Highland and Adams as one district. To this we had to submit, and to it we consented. There was never at any time a proposition before the committee to form a district of Adams and Highland, and one of Brown. Such a thing was suggested by the gentleman from Morgan, who was considered as the representative of the gentleman from Adams, but he had no authority for so doing and it could not be passed. The representatives from Brown never refused to accept a member from Brown, and had done every thing they could to obtain such. The Convention had refused to give Brown and part of Highland a member. They were satisfied that the gentleman from Knox had acted fairly and had done all he could to forward their views, and that, too, when all others had refused to have anything to do with the matter.

Mr. HARVEY made a statement of his agency in the matter. He had engaged in the subject only after repeated and urgent solicitations on the part of the gentlemen from Brown, who were anxious to have a district formed of their county and a portion of Highland. The members from Adams county and the member from Highland opposed the division of that county. Brown had not a population sufficient to be entitled to one representative. All others on the committee refused to interfere; the gentleman from Schuyler who was from that circuit refused to have anything to do with the subject. The only mode then that was left was to unite the three counties, and let Brown have her chance to secure one of these at the election. To form this district he had the consent, as he understood and believed at the time, of six-sevenths of the delegation—of them all except the gentleman from Adams (Mr. WILLIAMS). Whom was he to follow? To follow one member, or to follow six. He cared nothing about the district—it was one hundred miles from his county. He had acted only as he would consider himself bound to do under all circumstances—follow the desire of six-sevenths of those whom he represented. He expected this attack upon him this morning. He had been threatened by the gentleman from Adams, when this district was formed that he would receive a scorching for his agency in the matter. He had received the scorching, and cared but little, at any time, for a scorching for following the request of six men in preference to that of one. He would refer the Convention, as a proof that such was the fact, to a letter in the Quincy Whig, over the signature of the gentleman, wherein he himself stated that six out of the seven members agreed to this district. The two gentlemen from Brown, and the three colleagues of the gentleman from Adams, consented to this district. One of them, Mr. POWERS, expressed himself as decidedly opposed to severing Highland from Adams, and in favor of the district. The gentleman from Highland (Mr. SIMPSON) cared but little either way, he was only anxious for his own county and desirous to retain the territory.

Mr. PALMER of Marshall moved to lay all the amendments on the table; which motion was lost—yeas 54, nays 88.

Mr. WILLIAMS replied to Mr. HARVEY, and urged that he did oppose the districting of the counties so as that Brown might

have one representative, and Adams two, and that he had stated that six of the members had declared themselves in favor of such an arrangement. He had been informed by the gentleman from Brown, and by his colleagues, Messrs. SIMPSON and NICHOLS, that such was untrue! And he would leave the question of veracity to be settled between them.

Mr. HARVEY asked the gentleman to give way and enable those members to make a statement of what were the facts.

Mr. WILLIAMS said, he hoped the gentleman would not interrupt him. He was not going to settle the question of veracity between the gentlemen. As to the letter that was in the Quincy Whig, he would state that he wrote that letter and based the assertion therein contained upon the assertion of the member from Knox, made before the committee, which since then he had learned to be untrue, and therefore had written another letter correcting the erroneous statement. He had stated to the member from Knox in committee, that a day would come when this subject could be investigated, and when members might assert their rights. This had been construed into a threat. Mr. W. followed the matter for some time longer.

Mr. BROCKMAN said, he rose for the purpose of correcting a false statement, which had been made in regard to himself as connected with this subject. He had, at all times during the sessions of the committee, attempted to get a representative for Brown. He would, in justice to the gentleman from Knox, say that he had strongly solicited him to obtain a representative from the county of Brown and the east tier of townships of the county of Highland, which passed before the committee, and was at a subsequent session changed, at which time he was not present.

If it had been stated before that committee, that he had expressed a desire not to vote separately for a representative from Brown, those statements had been made without any authority from him. He said it was his desire that if Brown could not get a representative, then he was desirous to vote with Adams and Highland as one representative district for the election of three representatives by general ticket. It is the wish of the citizens of Brown to get one representative.

Mr. SIMPSON said, that he had never authorized anyone to

say that he was opposed to giving Brown a representative. He had been opposed to dividing Highland county and wished her to vote with Adams. Brown county then, not having enough population to be entitled to a member, he was anxious that she should be joined to Adams and Highland as at present, and had said so to every one. He was in favor of the district.

Mr. THOMAS and Mr. SINGLETON further explained.

Mr. TURNBULL moved the previous question; which was ordered.

Mr. WILLIAMS then withdrew his amendment, and with it fell the amendment of Mr. KINNEY.

The question being taken, by yeas and nays, on the instructions in relation to Greene and Jersey counties, it was carried—yeas 91, nays 45.

Mr. KINNEY renewed his proposition to instruct the committee.

Mr. ARMSTRONG moved to lay it on the table. Carried—yeas 96, nays 35.

Mr. BROCKMAN renewed the instructions offered by Mr. WILLIAMS in relation to Adams, Highland and Brown counties.

Mr. LAUGHLIN made some remarks, understood to be approbatory of the district as it stood, and moved to lay the instructions on the table. And the motion was carried—yeas 72, nays 55.

Mr. ECCLES moved to take up the report of the committee on Miscellaneous Subjects, exempting a homestead of 80 acres in land, not exceeding $500 in value, and of a town lot, to the head of each family, not exceeding in value $500, from execution or forced sale for debts contracted after the adoption of the constitution; and securing to married women all real estate owned by them at the time of their marriage, against all debts contracted by her husband &c. And the same was taken up and read.

Mr. SHIELDS moved to lay the whole report on the table.

Mr. CRAIN asked for the yeas and nays and they were ordered, taken, and resulted—yeas 70, nays 56.

Mr. MARKLEY moved to take up the report of the committee on Finance. Carried. It was read as follows:

ARTICLE—

The General Assembly shall provide for, and there shall be annually levied, a tax of not less than three mills on every dollar's worth of personal and real property within this state, to be ascertained by valuation; the proceeds of which shall be applied to the payment of the indebtedness of the state; *Provided*, said tax shall be levied no longer than is necessary to discharge the principal and interest due and to become due on the present state debt.

Mr. EDWARDS of Madison moved to strike out the section and insert,

Section 1. There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each one dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to-wit: The fund so created shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may, for that purpose, be presented by the holders of the same, to be entered as credits upon, and, to that extent, in extinguishment of the principal of said indebtedness.

Sec. 2. Hereafter any tax payer may have an estimate made at any time, of his proportion of the state indebtedness above provided for, by taking, as data, the whole of said indebtedness, principal and interest, due at the time of making the estimate—the then last assessment of the taxable property of such tax payer, and the aggregate of the then last assessment for the whole state, and may pay into the treasury the amount of such estimate, either in money or in such state indebtedness, and, upon so paying, shall be forever discharged from any and all further assessments on account of such state indebtedness, in respect of so much personal property as he then has, and of all such real estate as may be included in the estimated assessment, and such real estate shall be forever discharged from any and all further assessments, on such account, into whose hand soever it may pass.

Sec. 3. Any state indebtedness coming into the treasury, by virtue of the above section, shall be simply cancelled and destroyed,

and any money so coming in shall be added to and applied as part of the aforesaid mill fund.

Sec. 4. This article shall be submitted to a vote of the people, and if voted for by a majority of all voting on the question, shall become a part of this constitution, and shall remain in force until the whole of the indebtedness therein provided for shall be paid, and longer; and interest shall be counted only upon the original principal of said indebtedness, and the extinguished portions of said principal shall cease to draw interest, at and from the respective times of their extinguishment. And it shall be the duty of the General Assembly to make all necessary provisions for carrying this article into effect in good faith.

He said, that he regretted the apathy, so evident in the Convention, upon this subject of the state debt, one in which they should feel so much interest, and which was of so vital importance to the interests, feelings and character of the people of the state. He thought that he could demonstrate to the satisfaction of any one that there was a plan whereby, with the sanction and approval of the people, the whole internal improvement debt may be paid, interest and principal. This plan was based on the following calculation:

The conclusion to which I have come is that the adoption of this section, will, within twenty-five years from the beginning of 1848, and without much increasing our aggregate burden of taxation beyond what it now is, totally extinguish that part of our debt, principal and interest. I reach this conclusion as follows: The principal of that part of the debt is $6,245,280. I assume that a two mill tax will in 1848 produce $200,000, because the two mill tax now collected, rose from $163,437.45 in 1845 to $175,135.92 in 1846—a ratio of increase which will bring it up to the assumption. I next assume that this fund will, by the increase of taxable property in the state, have an average annual increase of seven per cent upon the original $200,000 through the twenty-five years. I make this assumption, because the population of Illinois rose from 478,429 in 1840 to 662,150 in 1845—a period of extreme discouragement to settlement in the state, being an increase of 7 25-100 per cent. per annum; because the increase of the two mill fund, between 1845 and 1846, is 7 15-100

per cent.; and, with reference to the continuance of increase, because Ohio, the only much older state which is otherwise very similar to ours, rose in population from 581,432, in 1820, to 1,515-895, in 1840, an average of 8 34-100 per cent. per annum. Upon these two assumptions, first, of $200,000 from the fund in 1848, and second, an increase of 7 per cent. per annum, it is the best calculation to discover that we have, at the end of nineteen years $6,194,000, which leaves of the principal only $51,380. There is, however, already accrued of interest on this part of our debt $2,248,372, which will be swelled to about $3,000,000 before this provision can operate. There will accrue upon it during the nineteen years $3,559,916, making together $6,559,916, which will be lessened by the application of three-fifths of the mill and a half fund now in operation during the nineteen years, $2,784,300, reducing it to $3,775,616. To this add the $51,380 of the principal, making $3,826,996 the amount, mostly without interest, which we have still to overcome at the end of the nineteen years. To do this, we now have the joint force of the two mill and the three-fifths of the mill and a half funds, which, in six years more, in all twenty-five years, produces $4,358,700 covering all, and leaving a surplus of about a half million. This shows how the debt can be paid in twenty-five years. But I have said it can be done without much increasing our aggregate of taxation. I say this simply because we shall, by the new constitution, lessen the aggregate of state and county expenditures to an amount almost, if not quite, equal to the two mill tax.

Mr. CONSTABLE said, that as the subject was most important, he moved the plan of Mr. EDWARDS be laid on the table and printed and made the special order for to-morrow at 3 P. M.

Mr. ARMSTRONG moved to take up the report dividing the state into three grand divisions for judicial purposes; which motion was carried.

The report was read:

Sec. 1. The first grand division, for the election of judges of the supreme court shall consist of the counties of Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, Saline, Williamson, Johnson, Union, Jackson, Randolph, Perry, Franklin, Hamilton, White, Wabash, Edwards, Wayne, Jefferson, Washington, Monroe, St.

Clair, Clinton, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Bond, Madison, Jersey *and* Calhoun.

The second grand division shall consist of the counties of Edgar, Coles, Moultrie, Shelby, Montgomery, Macoupin, Greene, Pike, Adams, Highland, Hancock, McDonough, Schuyler, Brown, Fulton, Mason, Cass, Morgan, Scott, Sangamon, Christian, Macon, Piatt, Champaign, Vermilion, DeWitt, Logan, Menard, *Cumberland and Clark.*

The third grand division shall consist of the counties of Henderson, Warren, Knox, Peoria, Tazewell, Woodford, McLean, Livingston, Iroquois, Will, Grundy, Kendall, LaSalle, Putnam, Marshall, Stark, Bureau, Henry, Mercer, Rock Island, Whiteside, Lee, Carroll, Jo Daviess, Stephenson, Winnebago, Ogle, DeKalb, Boone, Kane, McHenry, Lake, Cook and DuPage.

Sec. 2. The term of the supreme court for the first division shall be held at Mount Vernon, in Jefferson county; for the second division, at Springfield, in Sangamon county; for the third division, at Princeton, in Bureau county, until some other place in either division is fixed by law.

Sec. 3. Appeals and writs of error may be taken from the circuit court of any county to the supreme court held in the division which includes such county, or to the supreme court in the next adjoining division.

Mr. CAMPBELL of Jo Daviess moved to strike out "Princeton, in Bureau county," and insert "Ottawa, in La Salle county." Carried unanimously.

Mr. DAVIS of McLean moved to strike out "McLean and Tazewell counties" from the 3d division, and add them to the 2d division.

Mr. ARCHER opposed the motion. The population now, he was informed, of the middle division was greater than of either of the other two divisions. He was willing to take the report as it now stood, but if the change was made he would vote for changing the place of holding the court from Springfield to Jacksonville.

Mr. MARKLEY was opposed to the change.—The northern district now had the smallest population, and if these counties were changed and put to the middle district, the northern district would be still smaller.

Mr. LOGAN advocated the motion on the ground of convenience to the people of the counties of McLean and Tazewell, who would prefer to come to Springfield, than to go to Ottawa. Viewing the question politically, the district would still be democratic by 1,500 majority, although he was informed that the present judge of this circuit, who was a democrat, and who would probably be the candidate of the party, was opposed to bringing these counties into the district because they were whig.

Messrs. CAMPBELL of Jo Daviess, PALMER of Macoupin, ARMSTRONG, DAVIS of McLean, CALDWELL and EDWARDS of Sangamon continued the discussion.

Without taking the question, the Convention adjourned till 3 P. M.

AFTERNOON

Mr. COLBY asked a suspension of the rules to enable him to offer a resolution; which, after being amended, was adopted as follows:

Resolved, That a committee of three be appointed to procure the translation and printing of the copies of the constitution ordered by this Convention to be printed in the German language, and, also, a committee for the same purpose in relation to the publication in the Norwegian language.

Mr. DAVIS of McLean withdrew his amendment pending at the adjournment at noon.

Mr. LOGAN moved to add to the report:

"The foregoing districts may, after the taking of each census by the state, be altered if necessary to equalize the said districts in population; but each alteration shall be made by adding to such districts such adjacent county or counties as will make said district nearest equal in population; *Provided*, no such alteration shall affect the judge then in office."

Mr. CAMPBELL of McDonough moved to substitute therefor: "That all the counties in the first and third grand divisions be added to the second, and elect the supreme judges by general ticket."

Mr. ECCLES moved to lay the substitute on the table; and the motion was carried.

Mr. DEMENT offered as a substitute for the amendment:

"The qualified voters of each of the three grand divisions shall vote for the three supreme judges, one of whom shall reside in and be taken from each of said divisions."

Mr. LOCKWOOD moved to lay the same on the table; and the motion prevailed.

The question was taken on the adoption of Mr. LOGAN'S amendment, and it was carried.

The report, as amended, was referred to the committee on revision &c.

Mr. HAYES moved to take up the report of the committee on Law Reform; and it was read as follows:

ARTICLE—

Sec. 1. It shall be the duty of the General Assembly to provide for a codification of the laws, and after the year 1870, neither the common law, nor any English statute, not re-enacted, shall be in force, or regarded by the courts, except to aid in the exposition and construction of the laws of this state.

Sec. 2. All the laws shall be published for the information of the people; and no foreign statute shall hereafter be passed or adopted by the General Assembly unless the same be first reduced to writing.

Sec. 3. No official writing, or executive, legislative, or judicial proceeding shall be had, conducted, preserved, or published in any other than the English language.

Sec. 4. In all suits in chancery the evidence shall be taken as in suits at law.

Sec. 5. The General Assembly shall never pass any law of primogeniture.

Mr. HAYES said, the late day of the session, the fifteen minute rule, and the evident impatience of members to return to their homes, all warned him that he was asking the attention of the Convention under the most unfavorable auspices. When he reflected on his deficiencies, his want of that extensive learning and profound wisdom which are the rewards of long study and experience, it was with diffidence and apprehension that he stood forth to discuss before that able and enlightened body, a subject so difficult as that under consideration.

I would, said Mr. H., that I could call to my aid the ready ingenuity of the gentleman from Sangamon, the solid strength of the gentleman from Adams, and the brilliant eloquence of the gentleman from Jo Daviess. But I much fear that they, with others as able, are arrayed against me on this measure.

It is with serious hesitation and reflection that I have taken the position I occupy. I was not free from prejudice. I had studied, with some attention the common law, remarked its gothic strength, its breadth of outline, the elaborate finish of its details, and like one who has lived only among the costly structures and ingenious contrivances of art, I lost sight of the grandeur and simplicity of nature. An anxious investigation of the subject has wrought a change in my views, and convinced me of the necessity and propriety of an extensive reform.

The idea of codification has elsewhere excited much attention, and drawn to its support some of the greatest men of the country, but here it is new, and will, therefore, by many, be denounced as dangerous. We do propose an innovation. When Martin Luther raised the cry of reform, and endeavored to free Europe from the religious despotism which had fettered her for ages, he advocated an innovation. When Galileo invented the telescope, by which the wonders of the heavens were brought near to human observation, he was imprisoned as an innovator. When Harvey declared the circulation of the blood in the human system, the great fact which has become the basis of the science of medicine, he was the advocate of innovation. When Faust and others invented printing with types, the great art which was to preserve and disseminate through the world the fruits of genius and the products of intellect, they introduced an innovation. When Columbus, standing on the verge of an unexplored sea, at the limit of the known world, declared that the earth was round, and that beyond that sea were regions as fair and as fertile as any the eye of civilized man had rested on, he was an advocate of innovation. When Thomas Jefferson and the other framers of the declaration of independence, pronounced the great truth that all men are by nature free and equal, and have a right to govern themselves, they were the advocates of an innovation.

I, for one, am willing to take the responsibility of advocating

a reform in our system of laws, though I may be misunderstood, my notions misrepresented, and my proposition denounced as a startling innovation.

It has been said on this floor that there are prejudices against lawyers—a disposition to exclude them from the halls of legislation. That is true, but gentlemen have much mistaken the cause of the feeling. It is not because the people dislike the profession. They give them the highest place in their esteem. They know them to be, in general, men of honor and character, intelligent and patriotic, the class which furnished Jefferson, Adams, Madison and Jackson to the country in time past, and from whose ranks many of the wisest living statesmen have been taken. They appreciate all this, but there is a fear of lawyers in the state legislature, because they doubt whether their habits of thought, their intimacy with a complicated and artificial system, will promote that simplicity and plainness which they are anxious to see in their laws.

I trust that the lawyers in this Convention will convince them that their fears are unfounded; and I believe that many of them will be found advocating this reform. I take it to be the first principle of American politics that the people have the right of self-government, the right to know the laws under which they live. If this be a correct principle, the importance of a codification must be admitted by all. I do not suppose the laws which are to govern civilized men in all the relations of society, can be embraced in one book or two. They might occupy many volumes. The question with me is, can they be considerably reduced. I believe they can. Neither do I suppose that they can be made so simple that every man will be his own lawyer in different cases. I only inquire, can they not be made more simple, more plain of comprehension, more easy of access than they now are? I believe they can. That the landmarks by which civil society is regulated can be so far exposed to the public eye as to furnish right thinking, even with a guide in the transactions of life, a knowledge of the general rules of law which are to operate on his interests. I am answered, that, although the principle be right, such inconveniences will follow its enforcement in practice as to require us to disregard it. I have never been able to see that a thing right in theory becomes wrong in practice. Correct principles are to an

individual the compass by which alone he can steer his bark in safety over the rough and uncertain sea of life. Without them he will be driven by the storms of passion, and drifted by the currents of temptation, till his career is ended in shipwreck and ruin. So with nations. If guided by no principle of national policy, uncertainty attends their course, despotism or anarchy witnesses their downfall. When, to the contrary, they are consistent in their adherence to fundamental principles, their march is certain, and onward for good or for evil.

[The PRESIDENT here announced to Mr. H. that his fifteen minutes had expired; but he was, by the unanimous consent of the Convention, permitted to proceed.]

Mr. HAYES proceeded: We have organized government upon a particular view of the nature and rights of man—upon certain axioms of self-government. When we depart from them no one can tell how soon our greatness may have a disastrous end.

But the inconveniences which may result from a codification of our laws have been greatly overrated. Gentlemen assume that there are certain glorious, intangible principles of the English law which are all important to our welfare, and cannot be touched without danger. I will not detain the Convention by a discussion of the evils of which we complain. I have referred to them at some length in the report which I presented some days since, and which has been published. I will say to gentlemen that it is not my wish to attack the principles of the common law. Those principles, so far as they are the rules for judicial interpretation, are admirable. They are neither more nor less than the rules of common sense, which are necessarily developed by the exercise of reason.

But, sir, let me draw your attention to a distinction between those principles and the provisions of the English law which we have adopted by the statute of 1819. Bear in mind that we have taken the English law, so far as applicable and of a general nature, down to the 4th James I, in the year 1607. The wise reforms which have taken place since then in England, we have entirely discarded. Yet some learned lawyers have said that the common law has almost entirely grown up from decisions made after the accession of William and Mary in 1688! How much of this can

our courts legally adopt under the act of 1819? Beyond doubt wise and good men have lived in every age, men whose hearts have beat with a love of liberty, but I do say that the rights of men were not fully recognized, either in political or legal systems, until a much later day. Whatever free and liberal provisions may have been a part of the common law in the times of the Saxon kings, it is certain that from the time of the Norman conquest, in 1066, down to 1607, its provisions, both as a system and in its details, were opposed to liberty, and entirely inadequate to our wants. They began at the wrong end. Instead of acknowledging the sovereignty and rights of the people, and legislating for their wants, the king was assumed to be the true source of power.

Mr. ANDERSON said, he was obliged to insist on the enforcement of the rule. The Convention had never before extended the time of any member, and the importance of an early adjournment forbade it to do so now.

Mr. HAYES remarked, that it was far from his wish to trespass an instant longer on the time of the house, than authorized by the rules, or by their unanimous consent. He had understood the Convention to express a wish to hear him. The gentleman having now objected, he would take his seat.

Mr. EDWARDS of Madison moved that Mr. HAYES should have leave to continue his remarks. Leave was given.

Mr. HAYES continued. I feel deeply sensible, Mr. President, for the mark of favor and kindness just shown me by the Convention. I will not abuse it, but will bring my remarks speedily to a close. I was saying that the English law, as it existed in 1607, did not recognize the sovereignty of the people, or regard their interests. This fact is apparent in nearly all its provisions. The English had not then become as civilized as we are, nor was the condition of society the same as it is here. Then taking this distinction between the principles of judicial exposition and interpretation, as developed in the decisions, and the provisions of the English law, it seems to me, with all due deference, that the great body of those provisions should be examined and the valuable part of them preserved in a code, with these principles, while all the rest should be thrown aside.

It is said that we have no men qualified for the undertaking.

I think we have some. If we have not, it is a severe satire upon the judges who pronounce the law from the bench—for I conceive it as easy to do so in one way as in another.

An important end to be gained is the imposition of a restraint upon judicial legislation. Not that it can be entirely prevented. Perhaps it will be necessary to a certain extent under any system. But if the entire body of laws should be placed within reach, the powers and duties of the bench would be better understood, and a remedy would easily be found for any evils which might spring up.

The importance of the subject, the fact that the Legislature can at any time repeal the act of 1819, and the further fact that this Convention was called to reform abuses, furnish to my mind the strongest arguments for immediate action. But, sir, without attempting to discuss further a subject, which is exhaustless, I must conclude by expressing my thanks for the kind and patient attention which has been extended to me.

Mr. WOODSON said, that he felt himself called upon, before making the motion he intended, to say a few words in explanation. He was a member of the committee on Law Reform, and when this report was before them the majority of the committee were opposed to it, but, out of courtesy to the chairman, they had consented that he should make the report. He and the majority of the committee were opposed to the codification of the laws—he believed it impracticable. If at any time such a thing should become necessary, the Legislature had the power to provide for it. He was opposed to any constitutional provision requiring it. From the little knowledge he had of the common law he was satisfied that any codification of it was entirely impracticable. In the New York convention a proposition was started to codify the laws, and commissioners were appointed for that purpose—

Mr. PRATT said, it was to re-model the practice.

Mr. WOODSON. Well, perhaps it was. But whatever it was, the commissioners made a report that it was impossible to perform the work For these reasons, and not out of any want of respect for the chairman of the committee, he moved to lay the first section of the report on the table.

Mr. CALDWELL asked the gentleman to withdraw the motion for one moment, (the motion was withdrawn) and said, that he

intended to make no speech on the subject. His health was such that he could not do so, and he regretted it exceedingly. He desired merely to state that he had given the subject a calm consideration for a long time, and was perfectly satisfied as to the practicability of codifying the common law, as much so as any other legal department. He felt so feeble that he could not say more, other than that he hoped the motion would not prevail.

Mr. HAYES said—in reply to the gentleman from Greene—that he understood the committee on Law Reform to stand five in favor of the report, five against it, and one undetermined. The majority of the committee were, it was true, opposed to the reporting of the "reasons," which he had prepared.

The question was taken by yeas and nays on laying the first section on the table, and was decided—yeas 69, nays 53.

Section two was adopted, and

Mr. SCATES moved to reconsider the vote; and it was reconsidered.

Mr. HAYES moved to amend the 2d section, by striking out the three first words, and prefixing to the section the following:

"The General Assembly shall provide for such a codification of the laws now in force as to them may seem practicable and expedient, and such code with all the laws hereafter passed"

Mr. PRATT moved, as a substitute:

"The Legislature, at its first session after the adoption of this constitution, shall provide for the appointment of one or more commissioners, whose duty it shall be to revise, reform, simplify and abridge the rules and practice, pleadings, forms and proceeding, of the courts of this state, and to report thereon to the Legislature, subject to their adoption and modification from time to time."

Mr. LOCKWOOD moved to lay the amendments and the whole report on the table.

And the motion was carried.

Mr. GRIMSHAW offered a resolution that the use of the Senate chamber be granted to the ladies of the Presbyterian church, on Friday next. Carried.

And the Convention adjourned till to-morrow at 8 A. M.

LXV. THURSDAY, AUGUST 26, 1847

Prayer by the Rev. Mr. BARGER.

Mr. CANADY offered for adoption the following:

Ordered, That the committee on the adjustment and revision of the articles of the constitution be instructed so to amend the article on the organization of counties, by striking out of the first section the following words: "Nor any line of which shall pass within less than ten miles of the county seat of the county proposed to be divided, already established."

Mr. EDWARDS of Sangamon raised a point of order. How long after the Convention had acted finally upon the different articles could these resolutions of instructions be sent to the committee? When would the Convention get through with their business? Every subject could be revived and renewed at any time in this way. The articles had passed from the convention, and were now in a state of preparation, and were they ever to be altered?"

The PRESIDENT, on the authority of certain precedents in the New York convention, decided the resolution to be in order.

Mr. EDWARDS of Sangamon appealed from the decision of the chair.

A debate ensued, in which Messrs. CONSTABLE, CAMPBELL of Jo Daviess, and EDWARDS participated, and before any vote,

Mr. CANADY withdrew his resolution.

Mr. CALDWELL offered the following, as additional rules:

RULES

1. The various articles referred to the committee on Revision, &c., as well as those hereafter referred, shall not be changed, altered or amended, except to revise and correct the language thereof.

2. The report of the committee of Revision, when made to the Convention, shall be taken up, and the amendments of such committee first considered, and after the action of the Convention

upon such amendments, the question shall then be upon the adoption of the whole report, and no division shall be had.

3. No further business shall be considered, except the reports now on the table, the report of the committee on Revision, and the reports of the committees on Schedule and on Address.

Messrs. CAMPBELL of Jo Daviess, DEMENT, SCATES and WEAD opposed the rules. Messrs. CALDWELL, EDWARDS of Madison, EDWARDS of Sangamon and CONSTABLE advocated their adoption.

Mr. ECCLES moved the previous question, and it was ordered.

The yeas and nays were ordered on the adoption of the rules, and they were adopted—yeas 113, nays 32.

Mr. SCATES said, that he considered the vote just taken as the final adoption of the parts of the constitution now in the hands of the committee; he moved that the committee be directed to hand the articles as they revised them to the printer, and that they be printed.

Mr. DEMENT and Mr. THOMAS opposed this motion, and it was rejected.

The report of the committee on Education was then taken up, and read as follows:

ARTICLE—

Section 1. The moneys received from the United States under the provisions of the act of Congress of the 18th day of April, 1818, for the encouragement of learning, constituting "the school fund," and that bestowed on a college or university, constituting "the college fund," as well as that arising from the sale of lands granted for the use of a seminary of learning, constituting "the seminary fund," with all additions which have been or that may hereafter be made to said funds, or any of them, shall remain perpetual funds, and be held by the state for the uses and purposes aforesaid, the annual interest only to be applied to the support of schools, a college, or seminaries, under the authority of the General Assembly.

Sec. 2. Officers and trustees having the care or control of any school, college, or seminary funds, or any school funds of any township in this state, for investment, may purchase therewith, or invest the same in the bonds of this state, at their market

value, under such regulations as the General Assembly may prescribe; and it shall be the duty of the General Assembly to provide for the prompt payment of the interest on such bonds so purchased as aforesaid, as the same becomes due; *Provided*, that the General Assembly may hereafter prohibit or restrict such investments, as the public good may require.

Sec. 3. It shall be the duty of the General Assembly to provide for a system of common schools which shall be as nearly uniform as may be, throughout the state; and such common schools shall be equally free to all the children in the state, and no sectarian instruction shall be permitted in any of them.

Sec. 4. The superintendency of public instruction in this state shall be vested in an officer, to be styled "the superintendent of common schools," and such county and local superintendents as may be established by law.

Sec. 5. At the first session of the General Assembly after the adoption of this constitution, and biennially thereafter, it shall be the duty of the Governor, by and with the advice and consent of the senate, (a majority of all the members elected thereto concurring therein), to appoint a superintendent of common schools, who shall hold his office for the term of two years and until his successor is qualified, and who shall perform such duties and receive such salary as the General Assembly may prescribe; *Provided*, that vacancies occuring in said office by death, resignation, refusal to act, or otherwise, may be filled by the Governor; and persons thus appointed shall continue in office until the end of the next session of the General Assembly.

Sec. 6. The preceding section shall continue in force for the term of six years from and after the time at which such first appointment is made in pursuance thereof, and no longer; after which time, the General Assembly may provide for the continuance of said office, or for the election of such officer by the people.

Mr. CAMPBELL of Jo Daviess moved to strike out the 4th and 5th sections, and insert the following:

"The supervision of public instruction shall be vested in a state superintendent, and such other officers as the General Assembly may direct. The state superintendent shall be elected by the qualified voters of the state, who shall hold his office for the term

of three years, and shall receive a salary of one thousand and five hundred dollars. The General Assembly shall provide for the filling of vacancies in the office of state superintendent. The duties and powers of the state superintendent shall be prescribed and defined by law."

Mr. CAMPBELL said, that he approached this question with no inconsiderable embarrassment; he was perfectly aware of the impatience of the Convention and the desire to hasten the adjournment. The experience of the last week, and the hurry with which it has disposed of business, shows that the Convention is but little disposed to hear discussion upon any subject. He also deemed it necessary to explain the reasons of this report not having been made by himself, as he was the chairman of the committee on Education. Entertaining different views from the majority of the committee, he could not coincide with them in the report which has been submitted. He had requested Mr. PALMER, secretary of the committee, to report to the Convention the conclusions of the committee. It was, however, well known to the Convention that this subject has not been discussed here, that at no time has it been considered in this body; and it was also well known that no other question has ever occupied more of the public attention, or has excited more discussion among the people at large than this—the creation of the office of state superintendent of public instruction, with an adequate salary. From all sections of the state, the people have presented, by their representatives, their petitions for this purpose. If it be the wish of the delegates here, if it be the desire of the Convention to meet the wishes of the people, and to secure for the instrument we are about to frame a favorable reception, it becomes us to make such provisions as they can approve of, and which above all others they desire at our hands. He knew discussion was not wanted here by many; he knew that the great body of the Convention were anxious to hurry through with the business, and go home; and he knew that there were many here who would vote against the provision, without having any discussion upon it. But he had a solemn duty to perform, a duty that he could not, would not, disregard, and one that could not be performed in the limited time allowed by the fifteen minute rule. He would, therefore, apply himself to that duty as well as

his feeble efforts would permit, though he knew the fifteen minute rule of the Convention would not afford sufficient time for that purpose. He would not propose to discuss this question now, had it been discussed here at any time before, or had the subject been submitted to the committee of the whole, like other questions, for a general discussion; but he felt the importance of the subject, and the anxiety of the people in regard to it, and he hoped that time would be allowed. He well knew, and gentlemen must admit, that when they went home and mingled with their constituents, spoke of the proceedings of this Convention, and of the debates, and told them that the great subject of education, when before this body, came under the operation of the fifteen minute rule, the people would not be satisfied, would not be content that a subject in which they were so much concerned, in which their children were so deeply interested, had come under the operation of that rule, and discussion cut off. It may be said that these petitions that have been presented here, praying the appointment of this officer, are not entitled to any weight, that they have all come from one source, and that that fact should be a cause for opposition to it. It was perhaps true that these petitions were all sent out from the office of the Prairie Farmer, and that they obtained a circulation and an influence in consequence of the exertions of that office, but was that any argument against the thing itself? Because a paper had taken a course on this subject which was good and beneficial, and which had for its object the benefit of the people, was that object to be denounced in consequence of the party character of its advocates? No, sir; no! As the soul rises into immortality when the body falls into decay and perishes, so does the cause of education rise in splendor and grandeur above all party schemes and factions. It is the cause he advocated, he cared not who were its supporters; he looked to the object sought by these petitions, and not at the source whence they came. Much as he desired to discuss the general question fully and thoroughly, he would, for the present and under the circumstances, confine himself to the importance of the office of a state superintendent, with what he considered a sufficient salary. By way of illustrating the importance of the office, and of the various duties of the superintendent would have to perform, he would

read what he considered would constitute a portion of those duties, and make such comments as would appear necessary.

1st. To visit as often and as far as practicable every county in the state, for the purpose of inspecting schools, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects and desirable improvements in the administration of the system, and the government and instruction of the schools.

This would be one of the first duties of the superintendant, to visit the several portions and counties of the state in order to discover the defects, and by practical information point out the remedies. It was unnecessary for him to refer to the present system as now organized. It was useless. Does not every one admit that although our statute books are filled with law after law, yet no single good has been effected in the system, and all efforts to adopt or prove a good standard have failed. Does not every one admit the glaring truth that thousands upon thousands of dollars have been squandered in the name of education, and yet no mark has been left for its practical benefit. The cause of this is that there has been no head, that no one has been charged specially with the duties of superintendant, but it has been left in the hands of other persons who had other duties to perform. Such had been the case when the report of the last superintendant, then Secretary of State, was presented to the last Legislature; he was charged with other and primary duties, his time was fully engaged with the duties of his office; and [he] could not visit the different sections of the state, examine into those matters of difficulty and cause of failure, nor [was he] able to point out the proper mode of avoiding evils, and of promoting good; he could not bring himself into communion with the teachers and parents of the children, nor make those suggestions so necessary; he was only able to address a few circulars to the commissioners upon general matters, and there, so far as he was concerned, the subject dropped.

Another particular he would call the attention of the Convention to was, that this officer would travel over the state, visit every county, make addresses on the subject at every school district and awaken public sentiment upon the subject of education.—From a well directed public sentiment the most beneficial

effects would flow, and until that was excited it was in vain to speak of the benefits of common schools. Appoint this officer and let him commence his visits. In each county it will be known for weeks before hand that he is to come there and address them, and the people will gather to the county seat on that day, teachers and parents, and they will go away with feelings roused and directed to the promotion of the ends of education. In this way that public sentiment, so necessary, will be excited in behalf of the cause; they will go home after these addresses, with their minds drawn to the subject; school associations will be formed in each district, having for their end the benefit and advancement of the cause, and immense and incalculable benefits will follow. And are gentlemen prepared to say that all this is of no good? That the efforts of this officer in this respect will be of no beneficial result? There is not a county in the state that he may not visit in the space of two years, and his visits, if he be a good, a faithful and a competent officer, will always produce these results. As an evidence of the experience of this fact in another state, he read to the Convention an extract from the report of Mr. BARNARD, a talented and accomplished gentleman, who had held this post in the state of Rhode Island. Speaking of these visits, he says:

"Immediately after entering on the duties of my appointment, I commenced holding a series of meetings, of such persons as were disposed to come together on public notice, in the several towns of the state, for familiar and practical addresses and discussions, on topics connected with the organization and administration of the school system, and the classification, instruction and discipline of public schools. (Appendix, Number II). These meetings which I have continued from time to time as frequently as my strength would allow, have been numerously attended, and the addresses have proved useful in awakening public interest, and disseminating information as to the best modes of improving popular education. When the meetings already appointed have been held, more than five hundred addresses will have been made by myself, and others invited by me; and at least one meeting will have been held in every large neighborhood in every town in the state."

Here we have the opinion of a distinguished gentleman, who,

in the discharge of his duties, and his whole course on this subject has been actuated by as highly philanthrophic motives and opinions as any one, who has ever written on the subject; and he says that the people will attend and take interest in these addresses. And will gentlemen say that the people of Illinois are different in their feelings and sentiments from the rest of the Union on this subject—that they are less conscious and awake to the importance of the subject as regards the welfare of their children and of the state, than the people of any other state? Will they contend that the moment a man places his foot upon the soil of Illinois, that he becomes lost to all those sentiments of refinement, of virtue, of honest pride and satisfaction, in beholding the improvement of the mind, and the expansion of the intellectual resources of his fellowmen? If so, then they cast unjust reflection upon the character of the people of Illinois.

2d. To recommend the best text books, and secure an uniformity as far as practicable, in the schools of at least every county in the state, and to assist, when called upon, in the establishment of, and the selection of books for school libraries.

Here is another and important duty, which the Legislature will, undoubtedly, provide for, to enable him to furnish text books of an uniform character, throughout the state, or at least in each county.—This reform is most certainly called for, and by no one can it be effected so well as by this superintendent; who, from the information he will derive from a constant intercourse with the people, can accomplish that which hitherto has been impossible.—Again, public prejudices will be consulted, and if there are sections of the state where people have a preference for one kind of books over that of another, and believe that the ends of education can be accomplished better by them, than others, why they will be allowed to retain them, and the uniformity can be gradually effected. Much good will result from this uniformity in the textbooks of the schools throughout the whole state. The superintendent was required, when called upon, to aid the district associations, in selecting a library for the use of the people. There was, in his opinion, no branch of the system of education of [more] practical benefit than these libraries. What is the use of teaching a man how to read, unless you give him the means of turning that

knowledge to advantage, of improving himself by practising what you have taught him. It is like rearing a young man to a trade, sending him for a term of years to learn the mysteries, and acquire a knowledge of some art or trade, and then deny him the means of carrying on that trade. Like teaching a man the trade of a blacksmith, or some other such art, and then bid him go without tools. Take away from him the tools and implements, necessary to his trade, and you place him in the same situation as the man whom you have taught to read. Of what use is the learning you have bestowed upon him if there is not placed within his reach the means and opportunity to turn that information to some use and benefit to himself. He contended, then, that this branch, the duties which he would have to perform in aiding these library associations to make selections of good and useful books, had much to do with the subject of education, and the promotion of general knowledge among the people. He, a man of information and taste, will be of great advantage to them; his selections will be such as will be beneficial to those who read them; not altogether children's books, but historical, scientific, and other valuable books, calculated to be of general use, will be chosen by him to fill these libraries. In this way, as these books will be in the reach of all, you will create, throughout the state, a general desire for reading and information, which will be a successful consequence following your common schools. These libraries will not be dependent alone on the resources of the districts, they will be enlarged and increased by donations of books from men who, having the means, will feel proud to contribute to anything calculated to be beneficial to the people, and to increase their information, and advance the march of mind.

3d. To appoint such and so many inspectors in each county, as he shall, from time to time, deem necessary, to examine all persons offering themselves as candidates for teaching public schools.

Here we find another and most important duty which this superintendent will perform and one which has led to much trouble and dissatisfaction. Last year the Legislature was of opinion that the qualifications of teachers were, as fixed by law, too high, and that it was difficult to find men of the required quali-

fications who would become teachers. When he, as Secretary of State, was *ex officio* superintendent of schools, he received many letters on this subject from different sections of the state, all complaining that the law had fixed the qualifications too high, and of the difficulties in the way of getting teachers. They also stated that the people had men not possessing the required qualifications, who they were willing to have as teachers of their children and in whose competency for that office they had confidence.

What is the difference on this point, in the eastern states? The same reason that causes them to have plenty of teachers, competent and qualified to the task, would also exist in Illinois. They have established in every state, normal schools, where there are annually a number of young men and women, prepared for the important duty of teachers. He did not propose that such schools shall be established by the state at the present time; the condition and circumstances of the state were not such as would support them to any advantage, for the state has not the means to carry it out. But there was a mode, in which, to some extent, the advantages of these schools, might be realized. Teachers' institutes might be established in the different sections of the state, where the persons who perform this important task, could assemble together, at some convenient point in the spring and autumn. During the vacation time of each year, they can select some person, distinguished for his competency and qualifications as a teacher, to preside over them and their studies, who will give such instruction, advice, and make such suggestions as will render them competent and qualified teachers.—These institutes will hold regular sessions for a fortnight or more, and this person, whom they will select to preside over them, will deliver lectures to them; they will form themselves into classes, study lessons, and prepare recitations, as is done in our schools. In this way, until such time as the state may be in a condition to establish these normal schools, these teachers' institutes may be formed. The duty of a teacher was one of the greatest importance to the character of the people.—It is not the most talented, or the most learned, that make the best teachers. To become a teacher, qualified to impart instruction to the youth, requires long practice, training of the mind, and close application to the attainments of these requi-

sites, so necessary to become a useful teacher. It has become an art which requires study and training of the mind to a peculiar turn, independent of mere learning, and cannot be acquired without.—Who now choose your teachers? Who exercises that discrimination and care, so important in selecting proper persons to advance your youth in the paths of education? School commissioners. They are but rarely chosen for that office with a view to their competency in selecting the best or most qualified and competent men as teachers. And hence the importance of this duty of the superintendent, whose particular duty it will be to provide each district with competent persons to select teachers qualified for the importance of their undertaking.

4. To grant certificates of qualification to such teachers as have been approved by one or more county inspectors, and shall give satisfactory evidence of their moral characters, attainments and ability to govern and instruct children.

5. To submit to the General Assembly at each regular session a report, containing, together with an account of his own doings, a statement of the condition of the public schools, and the means and progress of popular education in the state; plans and suggestions for their improvement; such other matters relating to the duties of his office as he may deem useful and proper to communicate.

It will be his duty, at the meeting of every General Assembly, to make to them a report of everything connected with his office. He will have been in correspondence with persons in all sections of the state, in correspondence with the teachers, with those persons selected in each county to examine the teachers, with parents, and with all those persons who feel an interest in the question, and will be able, from the information derived from all these sources and from his visits and personal observation, to discover such improvements in the system as will be salutary and beneficial to the advancement of the great cause of education, and the dissemination of its benefits throughout the state.—The Legislature at the present time have not the means to acquire this information, nor this opportunity of receiving those suggestions that will be likely to produce salutary measures that are necessary. He, in the performance of the various duties of the office, will

travel over the whole state, from county to county, gathering at each place all such information as may be practically beneficial, and communicate it all to the Legislature, upon which then they can base their action. And this, in his opinion, is the only way that we can ever arrive at any just conclusions, at any correct system of common schools, and one that will accomplish its great object.

6. To adjust and decide without appeal and without cost to the parties, all controversies and disputes arising under the school law, which may be submitted to him for settlement and decision.

This, sir, is also an important feature in the duties which this superintendent will be required to perform. This is taken from the New York school system, and in that state has been found productive of the very best results. Do we not all know the frequent occurrences of these quarrels and disputes in relation to this matter in the different townships and counties? We all know how these controversies arise, with what feeling they are carried on, to what lengths they are extended. In this way they will all be settled without cost to the parties, and before they are ripened into feuds between neighborhoods, or produced litigation, cost and excitement, which, as is frequently the case, has destroyed and broken up the schools entirely. Under this superintendent's care, these disputes are stopped in their incipient stage, and they are submitted to him for decision, and his decision is final, and this, too, without cost to either party. How much better is this state of things than the present system. This superintendent can settle all complaints, and by this means avoid all those quarrels which tend so much to injure the cause of education, and retard the progress of learning, virtue and morality. In this way all cost is saved, and useless litigation obviated.

7. To prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under the law, and to transmit the same, with [such] instructions as he shall deem necessary and proper for the uniform and thorough administration of the school system, to the school commissioner of each county, for distribution among the officers required to execute them.

In this branch of the duties of this superintendent we have an important duty for him to perform. In this particular the

system that we now have has been much deficient, and will tend much to reform and improve any system. Heretofore all information from the school commissioners and teachers has been received in answer to interrogatories addressed them, and of necessity incomplete and unsatisfactory, and but little calculated to convey correct bases on which to found or suggest improvements.

8. To submit plans and directions for erecting and fitting up school houses.

This duty will be found to be one most intimately connected with the advancement of education. The building and erecting of suitable school houses for the instruction of the youth of the state, has been a source of much difficulty to all concerned.—In the erection of the school houses in this state convenience and comfort has never been consulted. When you send a boy to school with the expectation that he will learn something, you must have him comfortable. You must not require him to sit there for three or four hours at a time, upon an oak bench, full of knot holes, without anything for him to rest against, with, perhaps, a hot stove in front of him, burning him up on one side, while the open door or the apertures between the logs admit the cold and biting air, freezing him on the other. In such school houses your children cannot be comfortable. He is compelled to sit there half the day, under the fiat of the teacher, unable to move his limbs, until his turn arrives to recite his lessons, and as soon as that is over, returns to his seat.—Boys will not learn in such places. They will not, cannot, study when they are not comfortable; they soon acquire a hatred for the school, become dissatisfied with it, and when they do so, it is impossible for them to study, and the result is, that they either stay away one-half the time, or go there with minds indisposed to study or to application. In this way the intention of the schools is defeated, and the desires of parents are disappointed. On no point is a reform more needed than on this, as school houses erected with a view to comfort and convenience are essentially necessary for the practical advantages of your school system.

These are only a few of the most important duties which this state superintendent will be required to perform; but, he asked, if even those he had enumerated were carried out and performed,

would he not work great benefit and advantage to the system, to those concerned in its results, and to the character of the whole people? And that this superintendent will perform the various duties of his office there could be no doubt. No one could doubt but he will do all his duty, will take a pride and an interest in so doing, for his actions, his efforts in the cause, will be under an eye ever open to the welfare and success of the great cause in which the whole body of the people are interested, and who will expect so much from him, and he, knowing this, will not dare to neglect any opportunity of advancing the interests of education, nor be, in the least important point, derelict in his duty.

In connection with this subject he read an extract from a letter written to the Hon. John Henry on the subject of common schools, as follows:

"1. In this state we began at the wrong end.—We have spent millions to pay the miserable teachers whom we found in the exercise of the profession, when the common school system was adopted, and to carry out the expensive details of a complicated system, but never gave a dollar or a thought to the indispensable *prerequisite* of *teaching* the *teachers*. Hence, the slow progress of our system into public favor.

"2. In the next place, we hitched on the supervision of the system the political office of Secretary of State, and have thus subjected its fate to the political fears of every administration. Thus, though no officer has been base enough to prostitute the system to political purposes, yet, scarcely anyone has been brave enough to encounter political risk or odium in its behalf."

Here, sir, is the opinion of a distinguished citizen of Pennsylvania, who has given much attention to the subject, and who says that they have squandered millions of money without producing the least good, because no thought was ever given to the important point of selecting competent teachers. And that the cause has been retarded and the interests of education injured because the superintendency of the system has been hitched on to the political office of a Secretary of State. This, sir, is what we have done in Illinois. Instead of making an independent department, whose whole attention would be devoted to the subject, we have hitched it on to the political office of our Secretary of

State; and unless we make this superintendent an independent, constitutional officer, it will always be attached to the office of Secretary of State or some other political office, and we will find that no one will hold the office more than two years, for he will be under the control and dictation of party influences. The letter further says:

"Instead of bringing the powers of an able and zealous press to bear in its favor, nearly all the papers in the state have from the same political fears, held aloof from its advocacy, or only afforded an occasional cold word of praise. From our mistakes I would say learn wisdom."

This remark, sir, will apply as truly to the press of Illinois; we, too, have had our press engaged in political strife, in party warfare, in working dissensions among the people, in urging them to party measures and advancing their political schemes, while the great question of education has been lost sight of by them, and it has been abandoned to its private friends. This subject would, however, be taken up by them, it will be discussed, and the great influence of their power will be felt, if we but carry out this reform.

Mr. C. here read further extracts from a letter written by a gentleman in Boston, in relation to the establishment of good primary schools in the west, and the means of acquiring good teachers both male and female from the east. He also read the following from a report made by Professor Stowe of Ohio, who was appointed by that state to visit and report the various systems of common school education in Europe, after detailing in full the information he received, he speaks of what has been done in Ohio, and says:

"To follow up this great object, the Legislature has wisely made choice of a superintendent whose untiring labors and disinterested zeal are worthy of all praise. But no great plan can be carried through in a single year; and if the superintendent is to have opportunity to do what is necessary, and to preserve that independence and energy of official character which is requisite to the successful discharge of his duties, he should hold his office for the same term and on the same conditions, as the judges of the supreme court.

"Every officer engaged in this, or in every other public work, should receive a suitable compensation for his services. This justice requires, and it is the only way to secure fidelity and efficiency."

Here we have the opinion of this distinguished gentleman who has devoted a long life to the study, who has visited all Europe, and examined and enquired everywhere into the various systems of the world, and he says "*the state has acted wisely* in appointing a state superintendent." And why not? This is an important branch of a government—the instruction of her children, and it is as important that it should have a head, that it should be as independent as that we should have an executive or judges. Are gentlemen prepared for the mere saving of a few dollars to abandon this? Are they prepared to place in the scales a few paltry dollars and cents, with the enlightenment of the human mind, and permit them to weigh it down? He hoped not. He would regret that the Convention, under the pretext of saving a few dollars, would forego the immense benefits this superintendent would produce in their system of Education. If he were selected by the state to devise the best, the surest, the most effectual way of clearing the state from her debt, he would seize upon the whole of the resources of the state, and turn them all to the one great current—the education of her people, to the enlightenment of the public mind, and to the dissemination of knowledge, of virtue, of morality. They would then be filled with an honest, an anxious desire to rise in their strength of moral force and power, urged on by its instinctive moral principle; they would not cease in their exertions till the whole of the vast debt was cleared away, and the dark gloom that overhangs them was dispelled. It is the policy of governments to educate their children. Let us educate the people. One bad legislator will do more harm—tear down and destroy more than ten good ones can build up and erect. Let us educate the people for the important task of being their own legislators. In a republican government like the one in which we lived, he considered it a paramount duty to instruct and educate the people for the social and civil conditions of society; every person was called upon to discharge his share of duty to his country, and it was a proper obligation on the government to educate him that

he might do so with honor to himself and his state. Educate the people and no bad legislators will be chosen, and the state will realize far more benefit than by such saving of expense as is contended for here, when you oppose this office on account of the salary. Mr. C. then read the following extract of a letter from Governor Slade, addressed to him since the meeting of the Convention:

"Nothing, it seems to me, in laying the foundations of a republican state, can be of more importance than a provision for securing the *devoted* application of some single mind to the special purpose of advancing the interests of education. With all the interest felt in New England on this subject, we have greatly failed in this particular, and have wasted hundreds of thousands of dollars upon defective systems of instruction, and unqualified, inefficient teachers, for the want of that systematic attention to the subject which can be secured only by a superintendency of public instruction, such as the states referred to have wisely provided for in their constitutions. It has not been until within a few years that we have discovered the error, and taken measures to remedy it. I hope that Illinois will not follow the example of our long neglect of our true interests in this particular."

This, sir, is from a gentleman who has been appointed secretary of the board of education, at Cincinnati, to furnish teachers for such places as may require them. A man who has given the subject the benefit of a long and thorough examination, and whose experience is sufficient to demand for his opinion every weight and consideration. Is his opinion to have no weight upon this question? It has been said that his opinion should have no weight, that it is valueless, and should be disregarded because he has interested motives in recommending what he does. Sir, we should care nothing for the motive. I care not who is the deviser of the system, who it is that recommends it, provided that I am satisfied the thing itself is good in its operation—good in all its results. I care not, if they send us good and competent teachers to instruct our youth, to light up in their minds the fires of intellect, what their motive may be. Nor do I stop, when satisfied that the result will be productive of good to the people, whether their motives be interested or not. What should we care if they be

interested, they are certainly interested in a good cause, and one the motives for which are honorable and praiseworthy. Why, then, should we care if they do make money by sending forth, over the land, men and women to enlighten the minds of their fellow men, so the object to be attained, and the grand result to be accomplished, is one of so much good. They are perfectly welcome to do so.

As an example of the benefits of the system under the supervision of this state superintendent, let us take the sum of $100,000 and appropriate it for educational purposes and measures, in the manner we have done for years, and are doing at present, with no particular person charged with its distribution, its appropriation to the particular objects intended that it should be applied to, and how far does it go—what good will it accomplish? Take $50,000 and disburse it throughout the state to proper persons, appointed and selected by this superintendent as men qualified to act as agents, to be applied by them, under his supervision, to the specified duties, objects and measures prescribed by law, and a full account of which to be rendered to him, and by him to the General Assembly, and my word for it there will be ten times the amount of good effected, as would be by the $100,000 under the present loose and irresponsible system, as now practiced and in operation. Why, sir, the ordinary business of life is carried on by agents, selected for their competency and capacity to discharge these duties, and they are all under the supervision of some head—some principal. A man in business—does he not select his book-keeper with an eye to his competency and qualification, and exercise over him a supervision. Clerks and agents to transact our business all discharge their duties in this mode, and why should we have it in all other affairs except this—the most sacred of all, the education of our people. In the amendment he had offered he had fixed the salary of this superintendent at what he considered an adequate compensation to secure a good officer and a strict attendance to his business, the sum of $1,500 a year. And will gentlemen complain of it as too high? Will gentlemen say that the people of the state will complain if they raise this office, and provide that the salary shall be $1,500 a year?—Are they prepared to go home to their constituents and tell them that

they refused to provide in the constitution this office, because of the expense it would incur. Is any man upon this floor afraid that when he goes home, after voting for this amendment, and meets with his constituents, that they will say to him, why did you vote for this; we would rather you should vote $1,500 dollars [*sic*] a year to a superintendent of our schools [than] have our children remain under the deep and dark gloom of ignorance which at present hangs upon them. Does any man here fear the people will say this to him? No, sir. Is there a single delegate in this Convention who will pretend that if he votes for this superintendent, with a salary of $1,500 a year, that his constituents will murmur or complain of his vote; that they will for a moment hesitate to approve of the act; that they will say to him, "we sent you to the Convention for no such purpose as this, we wanted, we desired, we asked for no such office; we wanted you to attend to the other business, and not to provide an officer, with sufficient salary, to promote the cause of education, and the instruction with advantage to our children? Does anyone pretend that they will say we wanted no improvement in our system of common schools, no reform in their operation, no change for the better in their practical effect? No, sir; there is not a man who will dare to utter such a reflection upon the character of the people. The sum of $1,500 is not too much. This officer will be engaged the whole year, he will have to travel from one end of the state to the other, will have to deliver lectures and addresses in every county (one hundred in number) in the state, will be absent for a great portion of his time from home and his family, and this sum will not be found too much. Compare, then, the salary of $1,500 a year with the immense benefits that will flow from his administration of the duties, with the great improvements that he will make, with the complete reform of our present inefficient system, and above all, with great saving from the inconsiderate expenditures now made; and then will you say that $1,500 a year is too much? Suppose, sir, that the vast number of children of this state who have not had the benefits of education, and on whose infant minds its light has never dawned, were arrayed in one body before this convention, would not the sight elicit the warmest emotions of the soul, and cause the mind of every one here to make the inquiry, is it

not our duty, our highest duty, to provide for the education and moral cultivation of this mighty power that is rising up and soon will stand in our places in this hall? Such a spectacle is not possible, however, but the mind may picture it; and before the mind of every delegate they may be arrayed, in all their growing strength and ignorance. Look at the returns of the last census of this state; in the large number who have no education, you can see a fact that points out too clearly the necessity for this state superintendent. This office of state superintendent, in his opinion, would be the saving clause of this constitution. Many provisions had been inserted in it that were obnoxious to many portions of the people. Already do we find them taking sides against its adoption, we find their presses out in opposition to many of its provisions, and this opposition, too, came from a quarter where the cause of education has been much neglected. Adopt this, and we have one feature which the whole people will rejoice and be glad to support—one which will be to them, perhaps, a sufficient reason to overlook other provisions to which they are hostile, and which they would be content with rather than lose this. This consideration reminded him of another, equally important. What would become of the constitution itself, unless it was sustained by the intelligence and morality of the people, which depended on their means of education. The rights of men had for their sole protection the creation of just laws, and they could only be founded and sustained upon the dissemination of virtue and knowledge among the people. And shall it be said that one of the states of the greatest republic that has ever existed, in Convention to frame the organic law of the land, has adopted a constitution without a single provision in it for the promotion of education, or for the instruction and enlightenment of the minds of the people? Let gentlemen look abroad over the land, let them see what other states have done, what other nations, governed by a widely different policy, have done for the education of their people, and it is calculated to bring the blush of shame to our cheek. Let them look at the monarchies of Europe and see what they are doing to strengthen themselves by the education of their people. Let them look at Prussia, famed all over the world for the extent and benefit of her common schools, and the liberality of

her views upon education; and Prussia is an absolute monarchy! The same spirit has prompted the government of Bavaria, and she has taken steps that will eventually lead to the education and instruction of her people.

All over Europe, from Poland to Siberia, from the shores of the White Sea, to the regions beyond the Caucasus, there is a system of complete common school education established. The sun of education is pouring down its refulgent rays upon that benighted and frozen region. France, too, has her normal schools, and her system of common schools. Austria is not behind the educational spirit that is characterizing the age. She, too, has her system in full operation. The Sultan of Turkey, and Pacha of Egypt have been moved by its power and the calling for teachers. In Constantinople, there has been established a society for the diffusion of knowledge, and there are, at this time, in Paris and London, Turks and Greeks, and Arabs, preparing themselves for the important task of teaching in their respective countries. In those countries, the office of a teacher, of an instructor of youth, is an honorable one, respected by the people and the laws. In Prussia, when these teachers get old, unable to perform their sacred duty longer, or when they die, a pension is conferred upon their children. Such is not the case here. We hold out no inducements, either by social or public laws, for making the office of a teacher an honorable or a profitable one.

In this question he felt a deep and abiding interest, and felt satisfied that the whole people were as equally interested. To test the question before the Convention he had drawn up his amendment. Why [did] not then the gentleman from Jefferson either vote for or against the amendment, and not embarrass it with his motion to amend. He can as well accomplish his end by voting against it, as by encumbering the constitution with any useless provision that the Legislature "may" do this &c., which they have the power to do without any such provision.

He well remembered that but a short time ago gentlemen were loud and pertinacious in placing upon the Legislature every kind of restriction; that they then declared the necessity of providing in the constitution in express terms what the Legislature should not do, and prescribing also what they should do, for they said

that no confidence was to be placed in the Legislature, and that it could not be reasonably expected it would ever do anything that was good, and would be continually running into evil if not restrained. This had been the position of gentlemen, and the gentleman from Jefferson among others. Why then does he embarrass this amendment with his proposal to insert "may" instead of "shall?" Why do gentlemen desire on this question so important, and so necessary to be carried into effect, why do they desire to leave the whole matter open to the Legislature? What more auspicious moment than the present to adopt this system—where will you have such another opportunity? Why delay the good work? Iowa, Wisconsin and Ohio have this state superintendent, and must Illinois be behind all the rest? New York has not adopted it. Why she has not done so, can be accounted for, she has a system of education and common schools perfect in itself and it requires no hand to reform it, as does our own. We propose this office of state superintendent as an experiment. It is not proposed as a permanent thing in the constitution to be fixed there unalterably, it provides that the office shall exist for six years, and then if the people are not satisfied with it, it may be abandoned. He thought that six years would not be sufficient time to test the question; that in that period the superintendent would not be able to produce such results as would show the benefits of his administration, but the committee say that it will, and have reported this period and he was willing to go for it, and to risk the question. Will not gentlemen allow us to try the experiment even for this period; will they not lay aside their prejudices and permit us to try it, and if it does not succeed it may be abandoned.

He was of opinion that this superintendent should be elected by the people; that he should be perfectly independent of the other branches of the government, and that the choice should be left with the people themselves; but the gentleman from Madison (Mr. EDWARDS) and the rest of the committee says that he should be appointed by the Governor and Senate, and if this be the opinion of the majority of the Convention, he would not hesitate to vote for it in that shape. If those who have the cause of education so much at heart think the superintendent should be appointed by the Governor and Senate he would agree, but he

appealed to the Convention to give them the office in some way. His only object, his only desire, was that the superintendent should be provided for, and cared but little how he was chosen. He only desired to have the office created by the constitution, fixed permanently, made an independent department, above and beyond interference, and cared nothing particularly how you provided for his choice.

In behalf of this object he appealed to the friends of economy and retrenchment, they who desired to carry them into all the departments of the government, to come forward and give their support to this superintendent. If they sincerely desired to promote retrenchment and economy let them vote for this great auxil[i]ary in the cause of education and enlightenment of the people. Prodigality, extravagance and dishonesty were the results always attendant upon ignorance; but virtue, economy and justice were the sure results of intelligence, when lighted up by the holy glow of education. Therefore he appealed to the friends of retrenchment to come to his aid and support this proposition, whose object was to increase the intelligence, the morality and virtue of the people. If he were called upon for a scheme to promote the principles of economy and retrenchment, to present them in all their truth and importance to the people, he would advocate this system having for its end the education of the whole people, the increase of their intelligence, the enlightenments of their mind, and the dissemination of moral and virtuous knowledge among them.

He appealed to those among the delegates in the Convention, who were so nobly and generously the advocates of temperance, to come forward and support this. Nothing could be a more powerful aid to their efforts in the advancement of their benevolent cause than the education of the people, and the increase of their intelligence.

To those engaged in the sacred cause of christianity, to those who are laboring to spread abroad over the land its light and its glory, he would earnestly appeal to come forward and support this proposition. They would find that it would aid them more in the great cause they were engaged in, by elevating the mind of the people to a degree that would enable them to comprehend more fully the sacred principles of their cause, and teach it to look

above to its author and founder, with feelings awakened by the influence of education and moral instruction. He asked them then to come forward and adopt this.

Oh! that he had a voice that would reach in tones of persuasive eloquence the ears of all the parents within the bounds of the state, he would implore them to awake from the long night of sleep, and fly to the support of education and to the rescue of their children. Oh! that he could present to their view, the destiny of those, who were bone of their bone, and flesh of their flesh, when they left their parental roof with minds shrouded in ignorance, and morals shaped for vice, with no enlightened perception to select the path of virtue from the path of evil; stepping from crime to crime, until their course closes in the prison cell of degradation, or perhaps the parent, in seeking his child, tracks him in blood to the scaffold of execution. It is then that the never dying worm of remorse seizes upon the aching conscience, it is then, when all is lost, that duties unperformed rise up in hideous array, and vex with horrid tortures the parent who has thus neglected the education of his children.

Look, said Mr. C., at the other side of the picture, and you will see, traced in colors upon which the moral eye delights to dwell, the man whose mind has received the early impress of education, and the moral direction and tone which knowledge gives to character. His course through life is marked with purity, virtue and honor. If even poor the path of preferment has been opened and pointed out to him, there is no place or position to which he may not aspire. And when in after years he has clambered up from shelf to shelf, until he has reached the nakedest pinnacle of them all, he can look back and trace his starting point to the district common school, and to the kind parent whose ever waking solicitude for the welfare, prosperity and happiness of his child, did not permit the beneficial opportunities which the glorious system of common schools affords to pass unimproved. With what calm composure and resignation can such a parent shuffle off the mortal care which binds him to earth and sever with ease the dearest tie, the tie that unites the parent to his child. He is then satisfied with the realization of his brightest and purest anticipations, that hope itself, that great sunshine principle and might incentive to

virtuous action, folds its downy pinions in sublime and lofty repose.

Let then the sun of education be made to shine upon this people, and its enlightening rays will soon dispel the murky fogs of ignorance and superstition through which so many of our people are compelled to creep, in abjectness and in misery from the cradle to the grave.

Mr. ATHERTON made some remarks in opposition to the state superintendent, urging that we had not the means to pay him, and that the people could get along well enough under their present system, had they more means. And closed by moving to lay the subject on the table.

The question was divided so as to vote first on laying the amendment of Mr. CAMPBELL on the table, and rejected, and then on laying the 4th and 5th sections on the table, and it was also rejected.

Mr. GREEN of Tazewell advocated the adoption of a provision for a state superintendent of instruction, and in the course of his remarks congratulated the gentleman from Jo Daviess upon his better judgment, as expressed to-day in relation to the intelligence and principles of education of the people of Rhode Island, and assured the gentleman that the adoption of a system of education followed by that state would result in the inculcation of the same liberal and patriotic political principles of that state.

Mr. DAVIS of Montgomery moved to amend the substitute by making it read, "The Legislature may provide for the appointment of a state superintendent of public instruction."

Mr. SCATES opposed the whole system, and then on motion of

Mr. EDWARDS of Madison the Convention adjourned till to-morrow at 8 A. M.

LXVI. FRIDAY, AUGUST 27, 1847

Prayer by Rev. Mr. BARGER.

The question pending, at the adjournment yesterday, was on the amendment offered by Mr. DAVIS of Montgomery.

Mr. BOSBYSHELL said, the general system of common school education, as adopted by our state, will do more in suppressing vice and immorality throughout this country, than all the punishment that can be inflicted upon the transgressor by our statutes. Yes, sir, all attempts that are made to improve the general condition of the human family, will fail in the end, or be but partially accomplished, until the dark cloud of ignorance be removed from the human mind, and man be made to feel the importance of a good character, reputation, and the good he owes to himself, to all around, and to the great Author of his existence, and that virtue and happiness are most likely to be the legitimate attendants of that knowledge that orders and influences aright the practices and actions of men. And, sir, it is, from awakening this inclination for the diffusion of useful knowledge of every sort among the body of mankind, that we derive one of our strongest grounds of hope for human nature, and for the world; and it is for this reason that we should hail with delight the establishment of this general system of common school education, upon a solid and firm foundation; and it is, sir, with the same hope and interest, that we should now look for the dissemination of such principles as will contribute to our happiness, and the happiness of those who may come on the stage of life after us. But what earthly glory, sir, is there of equal lustre and duration to that conferred by education? What else could have bestowed such renown upon the philosophers, the poets, the statesmen, and the orators of antiquity? What else, sir, could have conferred such undisputed applause upon Aristotle, Demosthenes and Homer; on Virgil, Horace and Cicero? And is learning less interesting, sir, now than it was in centuries past, when those statesmen and orators charmed and ruled empires with their eloquence? Sir, let it not

be thought that those great men acquired a greater fame than is within the reach of the present age. Many sons of this country, sir, possess as high native talents as any other nation of ancient or modern times! Many of the poorest of our children possess bright intellectual genius, if they were as highly polished, as did the proudest scholars of Greece and Rome. But too long—too disgracefully long, has coward, trembling, procrastinating indifference upon this subject, permitted them to lie buried in dark unfathomed caves. Sir, it was a ray of the light of education that first actuated our forefathers to leave the land of their nativity and seek an asylum from oppression in this, then wilderness land. And it was the still farther illumination of the human mind, by a proper direction and cultivation of its faculties, that we, as a nation have prospered, and only can prosper. Thus, we see that in proportion, as the light of knowledge has dawned on the human mind, have correct principles been inculcated, and the happiness of the human family increased. To see the result in our state, we have only to glance at its condition. We behold ourselves as a state, though yet in our [in]fancy, in a prosperous condition; teeming with the fruits of a bountiful Providence, and with numerous institutions of learning, founded by the liberality and wisdom of an enlightened people. Whose prosperity, at home and abroad, is founded on the useful knowledge that is disseminated in every class in the community.

Messrs. MASON and HURLBUT both advocated the appointment of the state superintendent.

Mr. CALDWELL and Mr. EDWARDS of Sangamon presented propositions in relation to the state debt, which were laid on [the] table, and ordered to be printed.

Mr. CAMPBELL of Jo Daviess said, that he was exceedingly anxious to have a direct vote upon the question, whether they would have a superintendent or not and did not like to see it choked down with any such ridiculous amendment as that the Legislature *may* do what everyone knew they had the power to do without any provision on the subject. He liked no such evasive proposition, it was nothing more than holding out to the people a sort of pretended desire on the part of the Convention to give them what they looked for so anxiously. Why tell the

Legislature that they "may" do this? Do not the gentlemen know that they have the power to create this office without this provision, and why then burden the constitution with a recital of what the Legislature may do? If we do so in one instance why not in all, and where then will we stop?—When will this Convention adjourn if we go on and insert in the constitution everything that the Legislature may do, when we know they can do it as well without as with such provision. The object, however, was clear; they propose this "may" proposition in order to deceive the people, and to avoid the responsibility of voting directly on a question, which if they rejected, they knew the people would hold them responsible for. He was of opinion, anyway, that they would be held responsible if this question was defeated, no matter how they managed to avoid and shrink from it. He hoped the amendment would be withdrawn and the single isolated question of a state superintendent or not, would be voted upon, and either adopted or rejected.

Mr. ARMSTRONG moved to lay the amendment of Mr. DAVIS on the table; whereupon

Mr. DAVIS said, he would withdraw his amendment, and moved the previous question.

Mr. LOGAN appealed to him to withdraw it, and it was withdrawn.

Mr. LOGAN then renewed the amendment just withdrawn by Mr. DAVIS.

Mr. PRATT moved to lay the amendment on the table.

Mr. CAMPBELL of Jo Daviess modified his substitute so as that the superintendent should be appointed by the Governor and two-thirds of the Senate.

The question was taken by yeas and nays on laying the amendment of Mr. LOGAN on the table, and the motion was lost—yeas 64, nays 79.

Mr. ATHERTON moved the previous question; ordered.

And the question being taken on the amendment of Mr. LOGAN, to the substitute of Mr. CAMPBELL, it was adopted—yeas 82, nays 63.

The question then recurred on inserting the substitute as amended in lieu of the 4th and 5th sections of the report.

Mr. PRATT asked for a division of the question so as to vote first on striking out those sections; and the division was refused.

Mr. CAMPBELL said, that he hoped now the whole subject would be laid on the table; there was no use in swelling the constitution with a useless recital of powers in the Legislature, that no one doubted, but they had at present.

The question was taken by yeas and nays on striking out 4th and 5th sections and inserting the amended substitute, and it was decided in the affirmative—yeas 82, nays 62.

Mr. ARMSTRONG moved that the report be now taken up, section by section; adopted.

Mr. LOGAN offered as an additional section to follow section one, the following:

"All money hereafter received from the government of the United States, on account, or for the benefit of, the school, college and seminary fund, or either of them, be appropriated to the payment of the bonds of this state held by the government of the United States in trust for the Smithsonian Institute until said bonds are discharged: and the amount so paid shall be added to the school fund, and interest thereon shall be promptly paid."

Mr. DEITZ offered the following substitute therefor:

"All moneys hereafter received from the government of the United States, on account or for the benefit of the school, college and seminary fund, or either of them, shall be invested in the outstanding bonds of this state at their market value, so long as any bonds are outstanding, and it shall be the duty of the General Assembly to make provision for the punctual payment of the interest on the bonds so purchased."

Mr. MOFFETT moved the previous question; ordered.

Mr. DEMENT moved a call of the Convention;—refused.

The question was taken on the substitute, and it was adopted. Yeas 75, nays 70.

The amendment, as amended, was then adopted—yeas 72, nays 69.

Mr. SCATES moved to add to the end of the second line of the first section: "and also the moneys arising from the sale of the sixteenth section."

Mr. TURNBULL moved to lay the amendment on the table. Carried.

Mr. DAVIS of Montgomery moved to amend by adding the following additional section:

"The interest due to the several counties of this state, from the school, college and seminary fund, shall be paid annually, to the proper officers of said counties, in gold and silver."

Mr. CONSTABLE moved to reconsider the vote, by which the report was taken up by sections; and the motion, by yeas and nays, was carried—yeas 72, nays 59.

The whole report being then before the Convention,

Mr. CONSTABLE moved to lay the whole subject on the table. Carried—yeas 73, nays 58.

Mr. SCATES said, that one of the members of the select committee on preparing a schedule, had gone home and would not return. He therefore moved that the President fill the vacancy on that committee, occasioned by the absence of Mr. MANLY, from the 4th circuit.

Mr. SMITH of Macon moved the Convention adjourn. Rejected.

Mr. SCATES said, the committee would have a meeting at 2 o'clock, and the vacancy ought to be filled now.

Considerable time was consumed and much confusion prevailed, during which, motions to adjourn were continually made by Messrs. THOMAS, SMITH, WOODSON, DAWSON, KENNER and KNOWLTON; which were rejected.

Mr. HAYES contended that the chair had the power, without any motion, to fill the vacancy; but he hoped the motion would be persisted in, to see how long the whigs would struggle to prevent the vacancy being filled.

Messrs. THORNTON, KNOWLTON and WOODSON opposed the motion, and argued that there was no evidence that Mr. MANLY was absent.

Messrs. Z. CASEY, ARCHER, and others informed the house that Mr. M. had gone home.

After various motions to adjourn had been voted down,

Mr. LOGAN said that he hoped the opposition would be withdrawn.

The motion was put, and no quorum voted, (one side of the house refusing to vote). The motions to adjourn were renewed, and again rejected.

And finally, the motion of Mr. SCATES prevailed, and Mr. HAYES was appointed to fill the vacancy.

And then the Convention adjourned till 3 P. M.

AFTERNOON

Mr. EDWARDS, from the committee on Revision, to whom had been referred the subject, made the following report:

Sec. —. Whenever two-thirds of all the members elected to each branch of the General Assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors at the next election of members to the General Assembly, to vote for or against a convention; and if it shall appear that a majority of all the electors of the state voting for Representatives, have voted for a convention, the General Assembly shall, at the next session, call a convention, to consist of as many members as the House of Representatives, at the time of making said call, to be chosen in the same manner, at the same place, and by the same electors, in the same districts that choose the said General Assembly, and which convention shall meet within three months after the said election, for the purpose of revising, altering or amending this constitution.

Mr. KENNER offered the following substitute therefor:

Sec. —. Any amendment or amendments to this Constitution, may be proposed in either branch of the General Assembly, and if the same shall be agreed to by two-thirds of all the members elect in each of the two houses, such proposed amendment or amendments shall be referred to the next regular session of the General Assembly, and shall be published at least three months previous to the time of holding the next election for members of the House of Representatives, and if (at the next regular session of the General Assembly after the said election) a majority of all the members elect in each branch of the General Assembly shall agree to said amendment or amendments, then it shall be their duty to submit the same to the people at the next general election, for their adoption or rejection, in such manner as may be pre-

scribed by law, and if a majority of the electors voting at such election for members of the House of Representatives, shall vote for such amendment or amendments, the same shall become a part of the constitution. But the General Assembly shall not have the power to propose an amendment or amendments to more than one article of the constitution at the same session.

There followed another section, but Mr. K. withdrew it, and moved to add the foregoing to the report of the committee.

Mr. McCALLEN moved to lay it on the table.

The amendment was then adopted.

The report, as amended, was adopted and referred to the committee on Revision.

Mr. WOODSON moved to take up the report of the committee on Finance. Adopted.

The question pending was on the substitute offered by Mr. EDWARDS of Madison.

Mr. CALDWELL offered the following, as a substitute for the substitute:

ARTICLE —

SECTION 1. There shall be levied upon all the taxable property of the state, a tax of three mills upon every dollar's worth of such property; which, as collected, shall be faithfully applied to the payment of the internal improvement debt of this state.

SEC. 2. The collectors of the several counties of this state, in making collections of the tax provided for in the last section, shall receive in payment of said tax the indebtedness of this state incurred on account of the internal improvement system, or specie in payment of said tax, on an assessment of two mills upon every dollar's worth of all taxable property in this state.

SEC. 3. The General Assembly shall, by law, make such provision as will enable the holders of such indebtedness to deposit the same with the Auditor of Public Accounts, and receive in lieu thereof certificates in suitable sums, which shall be received in payment of the tax provided for in the first section.

And the question being taken thereon, it was rejected.

Mr. EDWARDS of Sangamon offered the following as a substitute for the one pending:

SEC. —. It shall be the duty of the Legislature to ascertain upon what terms a satisfactory arrangement can be made with our creditors for the payment of the state debt, and if any agreement can be entered into, that meets with the approbation of the General Assembly, the law containing the terms of such compromise shall be submitted to the people, and if approved by a majority voting for and against the same, shall be irrepealable; and it shall be the duty of the General Assembly to pass all laws necessary to enforce its provisions and continue the same in force, until the stipulations on the part of the state shall have been complied with.

Messrs. LOGAN and HAYES opposed the last, and advocated the proposition of Mr. EDWARDS of Madison.

Mr. EDWARDS of Madison withdrew the 2d and 3d sections of his substitute.

Mr. LOGAN moved to lay the substitute of his colleague on the table. Yeas 92, nays 38.

Mr. AKIN moved to lay the whole subject on the table. Lost.

Mr. CALDWELL offered the following as a substitute for the one now pending; and it was rejected.

Sec. 1. There shall be levied upon all the taxable property in this state, an alternate tax of two mills, in state indebtedness, and of one mill in specie, on every dollar's worth of such property; which, as collected, shall be faithfully applied to the payment of the internal improvement debt of this state.

Sec. 2. The collectors of the several counties of this state in making collections of the two mill tax provided for in the last section, shall receive on payment of said tax the indebtedness of this state, incurred on account of the Internal Improvement system, or specie in payment of said one mill tax, and the payment of either of said assessments shall be a discharge from the other.

Sec. 3. The General Assembly shall by law make such provision as will enable the holders of such indebtedness to deposit the same with the Auditor of Public Accounts, and receive in lieu thereof certificates in suitable sums, which shall be receivable in payment of the two mill tax above provided for; provided, that the foregoing sections shall be submitted as a separate article to

the people for the acceptance or rejection of a majority of them, voting for and against the same.

Mr. CONSTABLE moved the previous question, which was ordered.

Mr. BALLINGALL moved to reconsider the vote ordering the previous question. Carried.

And then the Convention adjourned till to-morrow, at 8 A. M.

LXVII. SATURDAY, AUGUST 28, 1847

Mr. EDWARDS of Madison, for the committee on Revision and Adjustment of Articles, &c., reported back to the Convention the several articles adopted by the Convention with numerous verbal amendments.

The same was read, section after section, which occupied two hours and more, and the amendments were concurred in.

The Convention then resumed the consideration of the report of the committee on Finance, and the pending substitute therefor.

Mr. WHITESIDE offered an amendment, a copy of which we did not get, but its purport was, that the collectors of the tax proposed might receive in payment thereof the stocks and other indebtedness of the state.

Mr. CONSTABLE opposed the amendment. The Auditor of this state, in the discharge of his duty at the seat of government, with all the means and facilities of discovering the genui[ne]ness of the bonds, had received over $40,000 in forged bonds. If this occurred here, how much more of these forgeries would be received by these collectors, who had not the means of testing their genui[ne]ness; it would be but giving those who had those forged bonds an opportunity of putting them upon the state. None but forged papers would be received, for the persons holding the genuine ones were not indebted to the state.

Mr. DEMENT opposed the amendment of Mr. WHITESIDE, for additional reasons, than had been urged by others. He did not believe, that in practice, the proposition could be carried out in a way that would be beneficial to the mass of tax payers. None but large tax payers would find any advantage from the proposition; while large landholders could apply the stocks and evidences of our state indebtedness in payment of their taxes, so as to reduce the rate of taxation from 50 to 70 per cent.; the mass of the tax payers could not avail themselves of it at all. Therefore its operation upon the tax payers would be partial, and discriminate in favor of the large property holders. While

on the floor he would avail himself of the occasion to urge a few objections to the main proposition, which urged themselves with great force upon his mind, and which would, perhaps, influence him to vote against it, and would also apply to many other subjects that had been brought before the Convention, and were proposed to become parts of the new constitution. This is, that he thought this proposition to levy an additional tax of two mills upon each dollar's worth of property, should not form any part of the permanent organic law of the state. It was a mere question of policy, applying to a peculiar condition of our state, over which circumstances, variable and changeable, have great influence, and a policy which would seem very proper to-day within a short period might become very unwise and inconvenient. He did not doubt the willingness of the people to submit to the imposition of any just and reasonable rate of taxation for the purpose of paying the obligations and indebtedness of the state, and would, from year to year, support the levying of such a rate of taxation as would be satisfactory to our creditors, and calculated to sustain the credit of the state in the estimation of the good and just of every section. He did not feel sure, however, that a proposition to fix irrevocably in the constitution an article imposing an additional tax of twenty cents on each one hundred dollars' worth of property, when encumbered by such objectionable features and principles as the proposition of the gentleman from Madison (Mr. EDWARDS) contained, would meet with the approbation and support of the people; and while the people are as fully resolved upon paying the state debt by taxation as men could be upon any subject, they might, in his opinion, very justly vote down this proposition on account of the arbitrary and unjust mode upon which we here seem to determine upon making this payment. He meant the application of the money in the payment of the principal only of the debt, leaving our first and solemn obligation, to pay the interest on the debt, unprovided for in the constitution. The proposition contains a speculation determined on, if adopted, by the Convention, without consulting our creditors. This proposition requires this large sum of money to be kept separately to be applied to the payment and extinguishment of the principal (original only) of the debt. It may be said that our creditors need

not take it unless they are willing.—This was true, and they will not take it, (at least many, in his opinion, will not) and then what is to be done with this large sum of money, which must, of necessity, accumulate and lie useless in our state treasury, while the interest on the debt remains unpaid.

Mr. BOND followed in a speech in favor of the substitute, and explained that his course in advocacy of a poll tax had been dictated by a desire on his part, and the part of his constituents, to raise a revenue to pay off the debt.

Mr. GREGG said that he did not propose to enter into a discussion of the subject under consideration.—The proper period for discussion had gone by. The session of the Convention was too near its close to permit such full and free consideration on the proposition that had been offered as was desirable. He regretted that this was the case—he regretted that the subject had not been brought forward at an earlier period, so as to enable members to give full expression to their views and feelings. Had this been done he thought the action of the Convention would have been wiser than it was now likely to be. He would have been glad to discuss this subject fully, and enter at large into an exposition of what he thought to be the proper financial policy of the state; but now he proposed to confine himself to a brief statement of the course he intended to pursue. Gentlemen had undoubtedly made up their minds as to their votes, and he did not intend to occupy their attention when they were so anxious for a settlement of the question. He was not prepared to give his support to the amendment offered by the gentleman from Monroe. The reason[s] which had been assigned by others as the ground of their opposition were satisfactory to him. He did not think it wise or expedient to permit any tax that may be imposed to be collected in scrip, or other evidences of indebtedness. It has been well said that frauds might be committed, which no precaution would be able to prevent. Besides, might we not be treating the public creditors with injustice?—Nor did the proposition of the gentleman from Madison altogether suit his views. It proposes to apply the avails of the two mill tax towards the extinguishment of the principal of the debt. He would prefer a provision more in accordance with our obligations to the public creditors. We have contracted to

pay them interest, and he thought the interest should be discharged before we attempt to extinguish the principal. The time of paying off the whole will not be much prolonged if that course is taken. According to the calculations of the gentleman from Madison, a period of only twenty-five years will be required to liquidate, in the manner proposed by his substitute, all that portion of the debt incurred for internal improvement purposes. He did not doubt the accuracy of his calculations. If an error has been committed it consists in estimating the annual increase of our taxable property at too low a rate. He thought the increase considerably beyond seven per cent. From 1842 up to the present time it has been over twelve per cent. Many gentlemen seem to think that we may reasonably calculate an annual increase of ten per cent. during the next twenty-five years. If they are correct, there will be no difficulty in discharging, in that time, first the interest now due, and then the accruing interest and principal. But however objectionable may be the proposition of the gentleman from Madison, he was satisfied that it cannot be amended in the manner he had just suggested. There is an evident disposition on the part of members of the Convention to go for it as it stands. The report of the Finance committee has not the slightest chance of favorable consideration. Under these circumstances he was inclined to go for the proposition of the gentleman from Madison as the best measure likely to be of any effect in providing for the payment of the public debt. He did not sustain it as his first choice, but because he was convinced that nothing better can be obtained. The proposition to submit the question of a two mill tax separately to the people for their approval did not meet his views of propriety. It implied a doubt of the popular willingness to make provision for the payment of the public debt. Whatever provision may be adopted should be placed in the body of the constitution, and take the same fate as that instrument. The people of this state have a proper sense of what is due to themselves and the public creditors. There is no spirit of repudiation at work in any part of this state. From every quarter we hear the same honorable sentiments expressed. All are desirous of discharging our obligations in good faith and justice. There is a general expectation that this Convention will make some ade-

quate constitutional provision on the subject. If we fail to do this, we shall not do what is plainly required of us. Mr. G. concluded by saying, that although a more full consideration of the subject was proper, he would not, under the circumstances, trouble the Convention further, and he trusted that the decision about to be made would lead to all the favorable results which gentlemen predicted.

Mr. DAVIS of Massac said, that he deemed it due to himself and the people he had the honor to represent to express his views on the question now before the Convention. There was no subject in which he took a livelier interest than that then under consideration; there was none indeed in which the people of the state feel so deeply as that of the state debt. This debt, sir, was contracted by the representatives of the people at a time when all men seemed to be mad on the subject of internal improvement. But, sir, it is wholly immaterial how or under what circumstances the debt was contracted. It is enough for an honest man to know that we are in debt, and that the sacred faith of the state is pledged for the payment of that debt. Upon the adoption of some provision for the speedy liquidation and payment of our public debt depends the priceless honor of the state. Shall we, the representatives of the freemen of Illinois, prove recreant to the solemn duty which we owe to ourselves and to posterity?—Shall we forget, sir, that the eyes of the world are upon us, and that if we act wisely we will be hailed as public benefactors. But that if we shrink meanly from the performance of a solemn duty we will be branded as cowards and traitors to the best interests of our countrymen.

We are in debt, sir. I repeat we are in debt, and should provide for its payment! The question then arises in what way shall we do this? We know of but one plain and practical way, and that was by taxation. You may talk, sir, about funding the debt, but when you attempt to do that you will find that you cannot fund without money, and to raise money you are compelled to resort to taxation. If you would pay the debt then you must tax the people, or at least you must allow them to tax themselves. The people, sir, are honest, they desire to see some provision made for the payment of what they owe, and are willing to

submit to reasonable taxation to accomplish that end. Let them once know, that they must tax themselves or suffer the debt to accumulate until it shall either deter them from the effort to pay, or require heavier taxes to meet it, and they will tell you that procrastination is unstatesman-like and ruinous. They will say to you, sir, that you should have made your best endeavors to get rid of this great evil of a public debt, at the earliest possible day. The proposition on the table, was to his mind unexceptionable. What is it, sir? It is a proposition, to be submitted to the people, for their approval or rejection. Rejection, did I say? No, sir; not for their rejection, for the people never can reject, they never will reject such a proposition. Their good sense teaches them that they must tax themselves to pay the debt of the state, or repudiate it; and knowing this, they will cheerfully submit to taxation, that the honor of the state may be preserved, untarnished by the stain of repudiation. What, sir, is the amount proposed to be levied? Two mills on the dollar's worth of property.—This sir, is a trifling tax when compared with the magnitude of the object to be secured by its payment, the prevention of the growth of the present amount of debt, and the maintenance of the honor and faith of the state. And how is this tax of twenty cents on the hundred dollars' worth of property to be imposed? By the voluntary consent of the people. It is not to be an arbitrary tax, exacted from the people without or against their consent, but sir, it is to be a free offering of the people made on the altar of their country's honor.—What, sir, are the present condition and future prospects of this state. Now, only twenty-nine years old, she owes about eleven millions of dollars, (canal and internal improvement debt, taken together) the former of which is said to be provided for, the latter being six millions of dollars only. What is this, sir, for a state such as Illinois is destined under Providence soon to be? She, sir, comprises within her constitutional limits, fifty-odd thousand square miles, of the most fertile and productive land on the habitable globe. Her population is rapidly increasing in number and resources. She numbered at the taking of the last census more than seven hundred thousand souls—the increase being almost a hundred per cent in the short period of five years. And what, sir, is the amount of her taxable property?—one hundred

millions, while yet in her infancy. Is there a delegate from any county in the state on this floor who will hesitate to give his vote in favor of the proposition? There may be some such, but why so?—Are they afraid to submit this proposition to the people? Certainly there are none such here. All acknowledge that the debt ought to be paid, and that there is but one way to pay it Why then hesitate? Do gentlemen suppose it would be wiser to leave this subject to future Legislatures, than to submit it to the people? If they do, let me remind them that Legislatures are not always willing to assume the responsibility of taxing their constituents, and that they are sometimes behind the people in matters of this kind. The representatives of a free people should be cautious how they tax them and for what purpose, and so they ever are.—Again, sir, should this subject be left where it is, with the Legislature—the representatives of the people might not know, and indeed it would be difficult for them to know the real sentiments of the people in relation to it. But, sir, let the subject be submitted to a vote of the people, and all doubts would be removed; they are the source of all political power, and their voice will be heard and obeyed. Are there any here who will vote against this proposition because they fear that the people may possibly refuse by their votes to adopt it? If there are any such he would say to them discard your fears, trust the people in this momentous affair, they will decide it right. But suppose they should vote against the two mill tax, would our condition be worse then than now? Not at all, sir. We do not pay now—we would not pay then. But what reason have we to fear that the people would reject this proposition? Are the apprehensions of gentlemen on this score not contradicted by the experience of the last three or four years? What, sir, was the voice of the people in relation to the tax imposed with a view to the completion of the canal? It was the voice of approval. The proceedings of the meetings of the people of several of the southern counties furnish evidence of the sentiments of the people of that quarter on this subject. But, sir, the gentleman from Lee, though individually in favor of the proposition of the gentleman from Madison, if he understood him aright, thinks it possible, that demagogues may tell the people that it is wrong, and induce them to go against it.

What, sir, are demagogues to give tone to the public opinion in this state? Where, sir, will be the patriotic sons of Illinois then? Will there not be enough left to silence the tongue of demagogism? Yes, sir, and they will silence it.

Again, the gentleman from Lee says that the people may desire to have the tax repealed, but if you insert it in the constitution, it will be irrepealable; and although it may operate oppressively, the people cannot get rid of it. The tax proposed to be submitted for the adoption of the people, is only two mills on the dollar. Is it probable, nay, is it possible, that such a tax could ever become oppressive? I think not, sir. I hope not. In conclusion, sir, said Mr. D., I hope that the amendment of the honorable gentleman from Monroe will be rejected. It is wrong—I cannot support it. Should it be adopted, the wealthier tax payers would be benefited, *they* might pay their taxes in state indebtedness; poor men could not command state bonds, and would therefore be compelled to pay their taxes in gold and silver or their equivalents. I hope, sir, that the proposition of the gentleman from Madison will be sustained by the Convention.

Mr. WHITESIDE withdrew his amendment.

Messrs. LOGAN and EDWARDS continued the discussion.

Mr. HURLBUT moved the previous question.

Mr. PRATT desired to express his views, and hoped the call for the previous question would be withdrawn; which was refused.

The yeas and nays were taken on ordering the previous question; and it was ordered—yeas 65, nays 53.

Mr. HOGUE moved the Convention adjourn. Lost.

Mr. DEMENT moved a call of the Convention. Refused.

Mr. ARCHER asked a division of the question, so as to vote first on striking out the Finance committee's report. Refused.

The question was then taken on substituting the plan of Mr. EDWARDS of Madison for the report of the committee; and decided in the affirmative—yeas 96, nays 27.

Mr. PRATT said, he was a member of the Finance committee and preferred the report to the substitute just inserted. But as he did not desire to have his vote recorded against a proposition

to pay the state debt, as no other could be presented, he would vote for it.

Mr. BROCKMAN said he, too, was a member of the committee, and for the same reasons expressed by the gentleman from Jo Daviess, he would vote for the substitute.

The question recurred on the adoption of the substitute, as an article of the Constitution; and resulted—yeas 97, nays 23.

The article was then referred to the committee on Revision.

And the Convention adjourned till 3 P. M.

AFTERNOON

Mr. THOMAS moved to reconsider the vote by which a resolution ordering 50,000 copies of the constitution to be printed was passed.

He then moved that the number be changed to 150 copies for each member; which was changed to 200 copies for each member; and was then passed.

Mr. KITCHELL offered the following, which was adopted:

Resolved, That the number of copies of the new constitution, ordered to be printed in the German and Norwegian languages, when printed, be distributed equally among the German and Norwegian population of the state; and that the several members of this Convention report to the respective committees appointed to procure the printing of the constitution in said languages, the number of such German or Norwegian population in their respective counties.

The reports of the committee on Internal Improvements, Agriculture, &c., was taken up, the first section adopted, and after the rejection of various amendments upon different subjects, the remainder was laid on the table.

Mr. SCATES, from the select committee on the schedule, reported several sections, to compose that schedule.

Mr. THORNTON, from the minority of the same committee, also made a report.

Mr. PETERS moved they be laid on the table, and printed. Rejected.

The majority report was taken up by sections, and down to the eleventh section was adopted.

Mr. THORNTON moved to strike out the eleventh section, (proposing a division of the constitution into several parts, to be voted on separately by the people) and to insert the minority report. After a short debate, the motion was carried—yeas 86, nays 61.

Mr. WOODSON proposed a substitute for the twelfth section; which was adopted.

The thirteenth section was read.

Mr. DEMENT moved that the Convention adjourn.—Lost.

Section thirteen was laid on the table.

Mr. BOSBYSHELL moved the Convention adjourn. Lost.

Section fourteen (proposing that the first election for state officers shall be held in August, instead of November, 1848,) was read.

Various motions to adjourn, for a call of the Convention, &c., were made, and lost.

Mr. LOGAN moved to strike out August, and insert November, 1848.

Pending which motion, and after the utmost confusion for an hour, nearly one hundred members on the floor at a time, all kinds of missiles (harmless) flying from one end of the house to the other, everybody speaking, nobody listening, the PRESIDENT totally unable to be heard in his demands for order, the question to adjourn was again put, and as all the members were on their feet, at the time of the division, the "ayes" had it.

LXVIII. MONDAY, AUGUST 30, 1847

The question pending at the adjournment on Saturday was on the motion of Mr. LOGAN, to strike out "August" and insert "November."

Mr. HAYES moved the previous question.

Mr. LOGAN moved a call of the Convention.—Refused.

The previous question then was ordered.

A division of the question was asked, and refused.

The yeas and nays were ordered on the motion of Mr. LOGAN, and resulted—yeas 66, nays 77.

The section was then adopted—yeas 79, nays 65.

Section 15 was struck out, and section 16 adopted.

Mr. PRATT offered an additional section; which was laid on the table.

Mr. J. M. DAVIS offered an additional section, providing that all elections should be held in August; which was rejected—yeas 35, nays 95.

Mr. SCATES offered an additional section; to which

Mr. LOGAN moved to add, that the judges should be elected in November, 1848.

Mr. HAYES moved to insert "September;" which was accepted, and then the section passed.

The schedule was then referred to the committee on Revision.

Mr. CONSTABLE, from the select committee to prepare an address to the people, made a report; which was read.

Mr. DEMENT excepted to a remark in it in relation to the provision in relation to the two mill tax, and was replied to by Messrs. CONSTABLE, EDWARDS and LOGAN.

Mr. ARCHER moved the previous question; which was ordered, and the address was adopted—yeas 113, nays 29.

Mr. CONSTABLE moved the address be referred to the committee on Revision.

Mr. LOGAN moved that the address be added to the constitution, and that it be printed therewith.

Mr. BROCKMAN said that the motion was unnecessary; the resolution to raise the committee on the address required the address to accompany the constitution.

Mr. ARCHER moved that the address be referred to the committee on Revision, and that it be printed with the constitution excepting in the 250 ordered to be printed for the use of the Convention.

And the motion was carried—yeas 94, nays 29.

Mr. LOCKWOOD offered a resolution that the committee on Revision be instructed to correct and supply all clerical errors and omissions in the constitution. Carried.

Mr. LOGAN moved that two copies of the journal be allowed each member of the Convention, and that 200 copies be deposited in the office of the Secretary of State. Carried.

Mr. KNAPP reported back various papers that had been referred to the committee on the Bill of Rights.

Mr. HURLBUT moved the Convention adjourn till 5 P. M. Carried.

AFTERNOON

Mr. THOMAS moved that the Convention adjourn till to-morrow morning. He said that the enrolling clerks were at work, that the committee on Revision had not yet completed their work, and that it was impossible to have the constitution ready to sign till morning.

Mr. ARCHER hoped the Convention would adjourn to 7 P. M. Many members had made arrangements to go home to-morrow morning.

Both motions were withdrawn, and

Mr. ECCLES offered a resolution that JAMES T. EWING, 2d assistant secretary, be allowed the same compensation paid to the assistant secretary.

Mr. NORTHCOTT moved to lay it on the table. Refused.

The question was taken by yeas and nays on the adoption of the resolution, and it was passed—yeas 85, nays 32.

Mr. DEMENT offered a resolution that the President of the Convention deliver the constitution, when signed by the members, to the Secretary of State in open Convention, to be by him de-

posited in the archives of the department of state; and the same was adopted.

Mr. EDMONSON (Mr. HARVEY in the chair) offered the following resolution; which was unanimously adopted.

Resolved, That the thanks of this Convention be tendered to the President, Hon. NEWTON CLOUD, for the dignified, impartial and courteous manner in which he has presided over its deliberations.

Mr. GREGG offered the following; which was unanimously adopted:

Resolved, That HENRY W. MOORE and HARMON G. REYNOLDS are entitled to the thanks of this Convention for the prompt and efficient manner in which they have discharged their duties as secretaries.

And then the Convention adjourned till to-morrow morning at 8 A. M.

LXIX. TUESDAY, AUGUST 31, 1847

The committee on Revision reported back to the Convention, the schedule and address, with various verbal amendments; which were read, and adopted.

They also reported an enrolled copy of the constitution and schedule; which were read over, and some amendments, erasures, and interlineations were made.

The constitution was then adopted, by yeas and nays, as follows:

YEAS—Adams, Armstrong, Atherton, Blakely, Bond, Bosbyshell, Brockman, Brown, Campbell of McDonough, Campbell of Jo Daviess, Zadoc Casey, Choate, Church, Churchill, Constable, Crain, Cross of Winnebago, Cross of Woodford, Dale, Davis of McLean, Davis of Montgomery, Dawson, Deitz, Dement, Dummer, Dunn, Dunsmore, Eccles, Edmonson, Edwards of Madison, Edwards of Sangamon, Evey, Farwell, Frick, Graham, Geddes, Green of Clay, Green of Tazewell, Grimshaw, Harding, Harlan, Harper, Hatch, Hawley, Hay, Hayes, Henderson, Hill, Hoes, Hogue, Hunsaker, Hurlbut, Huston, Jackson, James, Jenkins, Jones, Judd, Kenner, Kinney of Bureau, Kitchell, Knapp of Jersey, Knapp of Scott, Knowlton, Knox, Kreider, Lasater, Laughlin, Lemon, Lenley, Lockwood, Logan, Loudon, McCallen, McCully, McClure, McHatton, Markley, Marshall of Coles, Marshall of Mason, Mason, Matheny, Mieure, Miller, Minshall, Moore, Morris, Northcott, Norton, Oliver, Pace, Palmer of Macoupin, Palmer of Stark, Peters, Pinckney, Pratt, Rives, Robbins, Robinson, Roman, Rountree, Scates, Servant, Shields, Shumway, Sibley, Sim, Simpson, Smith of Macon, Spencer, Stadden, Swan, Thomas, Thompson, Thornton, Trower, Turnbull, Turner, Tutt, Tuttle, Vernor, Wead, Webber, West, Williams, Witt, Whiteside, Whitney, Woodson, Worcester, Mr. President,—131.

NAYS—Akin, Ballingall, Bunsen, Colby, Gregg, Kinney of St. Clair, Smith of Gallatin—7.

Absent—Allen, Anderson, Archer, Blair, Butler, Caldwell,

Canady, Carter, F. S. Casey, Davis of Massac, Dunlap, Green of Jo Daviess, Harvey, Heacock, Holmes, Lander, Manly, Moffett, Nichols, Powers, Sharpe, Sherman, Singleton, Vance.

Mr. SCATES moved that the various interlineations and erasures be noted at the end of the constitution before it shall be signed; which motion was concurred in.

He also moved, that as soon as the same was done, that the constitution be signed by the President, and then by the members in alphabetical order, and the whole to be attested by the Secretaries. Adopted.

Mr. ECCLES moved that members having authority from absent delegates to sign for them, be allowed to do so. Carried.

Mr. GREGG moved that members not present be allowed to sign the constitution, at any time before the first Monday in March next, the Secretary of State to attest their signatures. Carried.

Mr. WOODSON moved that Mr. N. W. EDWARDS and the Secretary of State be directed to compare the printed copy with the enrolled one, and that when correct they certify to the same.

Mr. CONSTABLE moved to add to the committee Mr. BRAYMAN, esq. Agreed to, and the motion [was] adopted.

The erasures and interlineations were then noted by the clerks at the foot of the constitution, and at half-past twelve o'clock the President signed the instrument. The members then in alphabetical order signed the constitution, many of the names of the absentees being written by their authority by members present.

The same being concluded, the President delivered the constitution into the hands of the Hon. HORACE S. COOLEY, Secretary of State, to be by him preserved in the archives of his office.

No other business being before the Convention,

The PRESIDENT rose, and in a few brief, but feeling remarks, congratulated the Convention upon the happy result of their labors, and wishing them a safe return to their families, health and prosperity, he bid them an affectionate farewell, and pronounced the Constitutional Convention of the State of Illinois to be adjourned *sine die*.

APPENDIX

APPENDIX

Biographical Sketches of Officers and Members of the Constitutional Convention

Adams, Augustus: born May 10, 1806, in Genoa, Cayuga County, New York; 1817, thrown on his own resources by his father's death; spent summers on farm, devoted spare time to study, and taught school during four winters; 1829-1837, conducted foundry and machine shop at Pine Valley, New York; 1838, came to Elgin, Illinois; returned to New York in spring of 1839, and in 1840 removed with family to Elgin; 1841, established at Elgin the first foundry and machine shop west of Chicago; manufactured first harvester on which grain was both bound and carried; in collaboration with Philo Sylla invented the hinge sickle bar now used on all mowing machines; 1847, member of Constitutional Convention; 1850-1852, representative in General Assembly; 1854-1858, state senator; 1856 (1857), closed business at Elgin and established himself at Sandwich, DeKalb County, in the manufacture of Adams' Corn Sheller; 1867, organized and became president of Sandwich Manufacturing Company; 1869, appointed by Governor Palmer as one of the commissioners to locate Northern Hospital for the Insane; 1870, organized and became president of Marseilles Manufacturing Company; in politics a Whig, thereafter a Republican; died 1892. *United States Biographical Dictionary*, Illinois Volume, 353-354; *Blue Book of Illinois*, 1913-1914, pp. 362-364; *Past and Present of Kane County*, 392; Gross, *Past and Present of DeKalb County*, 2:217-218; *Portrait and Biographical Album of DeKalb County*, 473-474; Hollingsworth, *A List of the Members*.

Akin, George W. (John W.): born 1814, in Tennessee; 1818, brought to Illinois; farmer near Benton, Franklin County; 1842-1848, sheriff of Franklin County; 1847, United States deputy marshal; 1847, member of Constitutional Convention; in politics a Democrat. *History of Gallatin, Saline, Hamilton, Franklin and Williamson Counties*, 369, 385; Hollingsworth, *A List of the Members*.

Allen, Willis: born December, 1806 (1807), in Wilson County, Tennessee; 1829, removed to Franklin (now a part of Williamson) County, Illinois, and engaged in farming; 1834 (1836)-1838, sheriff of Franklin County; 1838-1840, representative in General Assembly; 1840, removed to Marion; 1841-1845, prosecuting attorney for the old Third District, elected before his admission to the bar; 1841, admitted to the bar; 1844, presidential elector; 1844-1848, state senator; 1847, member of Constitutional Convention; 1851-1855, member of Congress; 1859, judge of the Twenty-sixth Judicial Circuit; died in office June 2 (April 19), 1859; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 15; Palmer, *Bench and Bar of Illinois*, 2:856-857; *Blue Book of Illinois*, 1913-1914, pp. 192, 201, 216, 353, 357, 358; *History of Gallatin, Saline, Hamilton, Franklin and Williamson Counties*, 369, 845; Hollingsworth, *A List of the Members*.

Anderson, Samuel: born 1801, in New York; 1833, came to Illinois, farmer near Naperville, DuPage County; 1847, member of Constitutional Convention; in politics a Democrat. *Blue Book of Illinois*, 1913-1914, p. 357; Thompson, *Illinois Whigs before 1846*, p. 137; Hollingsworth, *A List of the Members*.

Archer, William R.: born April 13, 1817, in New York City; February, 1838, admitted to New York Bar; 1838, settled in Pittsfield, Pike County, Illinois; August, 1838, admitted to Illinois bar, and soon had extensive practice; 1847, member of Constitutional Convention; 1856-1860, circuit clerk and recorder; 1860-1862, 1886-1888, representative in General Assembly; 1869-1870, member of Constitutional Convention; 1877, member of joint commission appointed by legislature regarding claims for damages to private property from dams on Wabash and Illinois rivers; 1872-1884, state senator; in politics a Democrat. *Biographical Encyclopedia of Illinois*, 128-129; *Blue Book of Illinois*, 1913-1914, pp. 367, 374, 376, 378, 380, 382, 384, 389; *History of Pike County*, 670-671; Massie, *Past and Present of Pike County*, 97, 101; Hollingsworth, *A List of the Members*.

Armstrong, George W.: born December 9, 1812 (December 11, 1813), in Licking County, Ohio; 1830, in charge of a woolen factory; April, 1831, came to Putnam (now Marshall) County, Illinois; July, 1831, came to LaSalle County; 1832, soldier in Black Hawk War; 1833, settled on farm near Seneca; 1837-1841, contractor at Utica; 1841, returned to farm near Seneca, where he afterward resided; 1844-1846, 1870-1878, representative in General Assembly; 1847, member of Constitutional Convention; 1852-1858, 1864-1866, 1868-1876, etc., county supervisor; 1854-1856, commissioner of highways; 1858, as Douglas Democrat, defeated by Owen Lovejoy in congressional election; 1869, defeated as candidate for election to Constitutional Convention; 1882, chairman of LaSalle County Court House and Jail Building Committee; one of original promoters of the Kankakee and Seneca Railroad; in politics a Democrat. *United States Biographical Dictionary*, Illinois Volume, 57-58; Bateman and Selby, *Historical Encyclopedia of Illinois*, 23; *Blue Book of Illinois*, 1913-1914, pp. 357, 373, 375, 377, 379; *Biographical and Genealogical Record of LaSalle County*, 1: 121-122; *History of LaSalle County*, Inter-State Publishing Company, 2:47, 49-51, 53-54; Hollingsworth, *A List of the Members*.

Atherton, Martin: born 1801, in Kentucky; 1818, came to Illinois; farmer near Unity, Alexander County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Ballingall, Patrick: born 1814, in Scotland; 1832, came to Illinois; 1837, defeated as candidate for county clerk (McHenry County); 1839-1843, circuit clerk of DuPage County; 1844-1849, state's attorney (Lake County); February, 1845–December, 1848, state's attorney; November 13, 1846, helped arrange River and Harbor Convention called for July, 1847; 1847, city attorney of Chicago; 1847, member of Constitutional Convention; 1854-1855, city attorney; in politics a Democrat. Palmer, *Bench and Bar of Illinois*, 2:634; Moses, *History of Chicago*, 1:103, 109, 114, 132; 2:157; Andreas, *History of Cook County*, 350; Goodspeed and Healy, *History of Cook County*, 2:222, 224; Bateman and Selby, *Historical Encyclopedia of Illinois, DuPage County*, 2:642; Richmond, *History of DuPage County*, 45; Halsey, *History of Lake County*, 57, 605.

Blair, Montgomery: born 1809, in Ohio; 1828, came to Illinois; 1847, member of Constitutional Convention; farmer near Barry, Pike County; 1850-1851, 1867-1870, county supervisor; 1872, one of first vice-presidents of the Old Settlers' Association; in politics a Democrat. Massie, *Past and Present of Pike County*, 89-90, 92, 114; *History of Pike County*, Charles C. Chapman and Company, 213, 310, 314; Hollingsworth, *A List of the Members*.

Blakely, William H.: born 1810, in New York; 1834, came to Illinois; merchant at Ewington, Effingham County; 1847, member of Constitutional Convention; 1850-1852, 1872-1874, representative in General Assembly; in politics a Democrat. *Blue Book of Illinois*, 1913-1914, pp. 361, 375; Hollingsworth, *A List of the Members*.

Bond, Benjamin: born 1807, in Indiana; youngest son of first governor of Illinois; 1826, arrived in Illinois; 1830, county clerk during June term; 1830, census commissioner; 1831-1866, practiced law in Clinton County; 1834-1836, 1856-1858, state senator; 1836, Whig candidate for presidential elector; 1836, 1846, 1857, state's attorney for Clinton County; 1837, probate justice; 1838-1840, secretary of state Senate; 1844-1846, editor of *Carlyle Truth Teller;* 1847, member of Constitutional Convention; 1850, appointed United States marshal by President Fillmore; 1851, established and edited the *Prairie Flower;* March to July, 1853, editor of *Age of Progress;* 1854–February, 1858, editor of the *Calumet of Peace;* 1862, arrested on account of anti-war views but "paroled" because in poor health; died 1866, at O'Fallon, St. Clair County; in politics a Whig, later a Democrat. *Blue Book of Illinois*, 1913-1914, pp. 349-350, 352; Scott, *Newspapers and Periodicals of Illinois*, 35, 42-43; Palmer, *Bench and Bar of Illinois*, 1: 3; Pease, *The Frontier State*, 238-239; Cole, *The Era of the Civil War*, 228, 302; Thompson, *Illinois Whigs before 1846*, p. 132; *History of Marion and Clinton Counties*, 82, 85, 92, 95, 102, 110; Hollingsworth, *A List of the Members*.

Bosbyshell, William: born 1800, in Pennsylvania; 1840, came to Illinois; lawyer at Milan, Calhoun County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Brockman, James: born 1814, in Kentucky; 1833, came to Illinois; physician at Mt. Sterling, Brown County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Brown, George T.: born 1821, in Scotland; 1837, came to Illinois; lawyer and editor at Alton, Madison County; 1843-1847, justice of the peace; 1846-1847, mayor of Alton; 1847, member of the Constitutional Convention; 1852-1860, founder and editor of *Alton Courier;* 1854-1856, secretary of state Senate; 1856, one of leaders in formation of Republican party in Illinois; formerly a Democrat; sergeant-at-arms of the United States Senate for many years; died 186–, in Washington. Scott, *Newspapers and Periodicals of Illinois*, 7; Cole, *Era of the Civil War*, 145; *Blue Book of Illinois*, 1913-1914, p. 363; *History of Madison County*, 165, 167, 210-211, 383, 389; Hollingsworth, *A List of the Members*.

Bunsen, George: born February 18, 1794, at Frankfort-on-the-Maine, Germany; served in Peninsular War; 1819, graduated from University of Berlin; 1819-1833, founded and maintained a boys' school at Frankfort; 1833, implicated in the republican revolution and forced to leave the country; 1834, came to St. Clair

County, Illinois; farmer near Belleville; 1839, naturalized; teacher in the public schools; 1847, member of Constitutional Convention; 1855-1861, school commissioner of St. Clair County; 1855, removed to Belleville and conducted a private normal school there; 1857-1860, member of first state school board; 1857, took part in establishment of the Illinois State Normal University; 1859, elected member of Belleville School Board and continued as member and president for several years prior to his death; died November, 1872; in politics a Democrat, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 66-67; Bateman and Selby, *Historical Encyclopedia of Illinois*, *St. Clair County*, 2:682, 691, 873, 880; *History of St. Clair County*, Brink, McDonough and Company, 64, 66, 79, 111, 188; Hollingsworth, *A List of the Members.*

Butler, Horace: born 1814, at South Deerfield, New Hampshire; 1836, came to McHenry County, Illinois; 1839, moved to Libertyville, Lake County; lawyer at Libertyville; 1843-1855, justice of the peace; 1843-1845, probate justice; December 15, 1843–August 24, 1844, April 22, 1853–January 22, 1861, postmaster of Libertyville; 1844–1846, representative in General Assembly; 1847, member of Constitutional Convention; 1858, defeated for state senator; died March 16, 1861; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, p. 357; Bateman and Selby, *Historical Encyclopedia of Illinois*, *Lake County*, 661–663, 666; Halsey, *History of Lake County*, 86, 110, 455, 584, 603, 606; Hollingsworth, *A List of the Members.*

Caldwell, Albert Gallatin: born 1817, in Shawneetown, Illinois; educated in Shawneetown; leading member of Gallatin County bar; 1847, member of Constitutional Convention; 1850–1851, representative in General Assembly; died in office, 1851; in politics a Democrat. Palmer, *Bench and Bar of Illinois*, 2:855–856; *Blue Book of Illinois*, 1913–1914, p. 361; *History of Gallatin, Saline, Hamilton, Franklin and Williamson Counties*, 530–531; Hollingsworth, *A List of the Members.*

Campbell, James M.: born August 22, 1803, in Frankfort, Kentucky; 1809, brought by parents to Shawneetown, Illinois; 1815, returned to Frankfort; educated in Frankfort Seminary; 1822–1828, deputy postmaster at Frankfort; 1828, went to Lexington, Shelby County, Kentucky; August, 1829, arrived at Galena, Illinois; 1829–1831, worked with uncle and in office of circuit and county clerk at Galena; 1831, went to McDonough County; 1831–1848, circuit clerk; 1831–1846, county clerk; 1831–1846, postmaster of Macomb (except for three months in 1841, when he was removed and reinstated); 1832, served in Black Hawk War; 1835, appointed county recorder; 1846, defeated as candidate for representative in General Assembly; 1847, member of Constitutional Convention; 1852–1856, state senator; delegate to every Democratic state convention but two since 1836; 1856, 1860, delegate to Democratic national conventions; 1856-1857, one of first aldermen of Macomb; county supervisor; died 1891, in Macomb; in politics originally a follower of Henry Clay Republicanism, but after 1832 a consistent Democrat. *United States Biographical Dictionary*, Illinois Volume, 136–137; *Blue Book of Illinois*, 1913–1914, pp. 362–363; Bateman and Selby, *Historical Encyclopedia of Illinois*, *McDonough County*, 647, 651, 745, 841; Clarke, *History of McDonough County*, 27, 30, 32, 327–331, 400–404, 616, 619; Hollingsworth, *A List of the Members.*

Campbell, Thompson: born 1811, at Kennett Square, Chester County, Pennsylvania; attended school in Butler County; educated at Jefferson College, Canonsburg, Pennsylvania; read law and was admitted to the bar in Pittsburg; 1837, removed to Galena, Illinois; March 6, 1843–December 23, 1846, secretary of state; wrote first public school report of the state; 1847, member of Constitutional Convention; 1851–1853, representative in Congress; 1853, removed to California as a member of United States Land Commission of California; 1855, resumed practice of law in San Francisco; 1859, visited Europe; 1860, returned to Illinois and established practice at Chicago; 1860, defeated as candidate for presidential elector-at-large on Breckenridge ticket; 1861, returned to legal practice in California; strong Union man and Republican leader; 1862–1863, representative in California General Assembly; 1864, delegate to Republican National Convention at Baltimore; died at San Francisco, December 6 (7), 1868; in politics a Democrat till 1861, then a Republican. Greene and Thompson, *Governors' Letter-Books*, 1840–1853, p. 64n; Bateman and Selby, *Historical Encyclopedia of Illinois*; 76–77; *Blue Book of Illinois*, 1913–1914, pp. 140, 192; Palmer, *Bench and Bar of Illinois*, 1:518–519, 522; *Biographical Congressional Directory*, *1774–1911*, p. 528; *California Blue Book*, 1911, p. 241; *The Works of Hubert Howe Bancroft*, 24:305n; Hollingsworth, *A List of the Members*.

Canaday (Canady), John: born 1800, in Tennessee; 1821, came with father to Vermilion County, Illinois; spring of 1822, returned to Tennessee for the summer; farmer near Georgetown, Vermilion County; 1840–1844, representative in General Assembly; 1847, member of Constitutional Convention; 1851, county supervisor; in politics a Whig. *Blue Book of Illinois*, 1913–1914, pp. 354, 356; Thompson, *Illinois Whigs before 1846*, p. 138; Beckwith, *History of Vermilion County*, 562–564, 586; Hollingsworth, *A List of the Members*.

Carter, Thomas B.: born 1805, in New York; 1842, came to Illinois; farmer near Freeport, Stephenson County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Casey, Franklin S.: born 1805, in Tennessee; 1823, came to Illinois; farmer near Mt. Vernon, Jefferson County; 1832, lieutenant in Black Hawk War; 1847, member of Constitutional Convention; in politics a Democrat. Wall, *History of Jefferson County*, 119; Hollingsworth, *A List of the Members*.

Casey, Zadoc: born March 17, 1796, in Georgia; about 1800 brought to Tennessee by his parents; 1817, came to Jefferson County, Illinois, and settled near Mt. Vernon; farmer, pioneer Methodist preacher, and politician; 1819, member of first board of county commissioners of Jefferson County; 1820, defeated as candidate for General Assembly; 1822–1826, 1848–1852, state senator; December 9, 1830–March 1, 1833, lieutenant-governor; 1832, served in Black Hawk War; 1833–1843, representative in Congress; 1842, defeated in congressional election by John A. McClernand; 1847, member and president pro tem of Constitutional Convention; 1848–1850, speaker of House in General Assembly; died September 4 (12), 1862, before expiration of his term as senator; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 83; *Biographical Encyclopedia of Illinois*, 439–440; *Blue Book of Illinois*, 1913–1914, pp. 139, 190–191, 344–346, 366; Hollingsworth, *A List of the Members*.

Choate, Charles: born 1803, in Massachusetts; 1839, came to Illinois; physician at LaHarpe, Hancock County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Church, Selden M.: born March 4, 1804, in East Haddam, Connecticut; 1804, taken by his parents to New York, where he was reared; 1825 (1828), went to Cincinnati, Ohio, and was there one of the earliest teachers in the public schools; 1829–1835, in mercantile business in Rochester, New York; 1835, came to Chicago, thence to Geneva, Kane County; 1836, removed to Rockford, where he afterward resided; 1840–1847, county clerk; August, 1841–August, 1843, postmaster of Rockford; 1847, member of Constitutional Convention; 1849–1857, county judge and judge of probate; 1859–1864, 1866–1867, chairman of Board of Supervisors; 1862–1864, representative in General Assembly; (1868) 1869, member of first State Board of Public Charities; 1873, reappointed to this board, (term four years); one of commissioners to assess damages for the government improvements at Rock Island and to locate the government bridge between Rock Island and Davenport; president of Rockford Insurance Company; one of originators, and for many years managing director of the Rockford Water Power Company; died June (21), 23, 1892, at Rockford; in politics a Whig, thereafter a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 104–105; *Blue Book of Illinois*, 1913–1914, p. 368; *History of Winnebago County*, H. F. Kett and Company, 352, 386, 389–391, 472; *Portrait and Biographical Record of Winnebago and Boone Counties*, 1296–1297; Church, *History of Rockford and Winnebago County*, 41, 62, 167, 171, 191, 222, 241, 264; Hollingsworth, *A List of the Members*.

Churchill, Alfred: born 1800, in New York (Vermont); taken in early life to Batavia, New York, where he was reared; 1834, came to Illinois, and settled in Warrenville, DuPage County; February–August, 1836, county commissioner of Cook County; fall of 1837, came to Kane County, and purchased a large claim in Kaneville Township; 1845–1846, school commissioner of Kane County; held various other minor township and county offices; September 27, 1845–August 16, 1849, postmaster of Avon; 1847, member of Constitutional Convention; 1857, removed to Rockford, and subsequently to Dade County, Missouri, where he purchased 1,500 acres of land; 1861, driven out of Missouri because of his Union sentiments, and went to Pine County Minnesota; remained there one year, but on account of the Indian danger returned to his old home in Kane County; died October 18, 1868, on his farm in Kaneville Township; in politics a Democrat. Andreas, *History of Cook County*, 352; Bateman and Selby, *Historical Encyclopedia of Illinois, Kane County*, 669, 714; *Past and Present of Kane County*, 254, 424–426; *Commemmorative Biographical and Historical Record of Kane County*, 845, 924, 1059–1060; Hollingsworth, *A List of the Members*.

Cline (Kline), William J.: 1846–1848, sergeant-at-arms of Senate; 1847, doorkeeper pro tem of Constitutional Convention; lived in Kane County. *Blue Book of Illinois*, 1913–1914, p. 358; *Journal of the Convention*, 1847, volume 3.

Cloud, Newton: born 1805, in North Carolina; 1827, settled near Waverly, Morgan County, Illinois; 1830–1832, 1834–1840, 1842–1844, 1846–1848, 1870–1872, representative in General Assembly; 1844–1846, clerk of House; 1846-1848, speaker of House; 1847, member and president of Constitutional Convention; 1848–1852,

state senator; fall of 1855–April, 1856, temporary principal of Illinois Deaf and Dumb Institute at Jacksonville; preacher of Methodist church; farmer; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 108; *Blue Book of Illinois*, 1913–1914, pp. 348, 350-351, 353, 356–357, 359–361, 373; Rummel, *Illinois Hand-Book and Legislative Manual for 1871*, pp. 178, 186; *History of Morgan County*, 322; Eames, *Historic Morgan and Classic Jacksonville*, 59, 78, 97, 110, 114, 121, 181, 268; Hollingsworth, *A List of the Members*.

Colby, Eben F.: born 1815, in Vermont; 1843, came to Illinois; farmer near Wickliffe, Cook County; 1847, member of Constitutional Convention; died August 24, 1884; in politics a Democrat. Andreas, *History of Chicago*, 3:397; Hollingsworth, *A List of the Members*.

Constable, Charles Henry: born July 6, 1817, at Chestertown, Maryland; attended Belle Air Academy; 1838, graduated from the University of Virginia; studied law and admitted to the bar; (1839) 1840, came to Mount Carmel, Illinois; 1844–1848, state senator; 1847, member of Constitutional Convention; 1852, removed to Marshall, Clark County; 1852, defeated as Whig candidate for Congress by James C. Allen; 1856, presidential elector-at-large on the Buchanan ticket; July 1, 1861–October 9, 1865, judge of circuit court; March, 1863, arrested at Charleston because of his anti-war action in releasing four deserters and holding to bail, on charge of kidnapping, two Union officers who had arrested them; although he was released, the affair contributed to the causes of the Charleston riot of March 22, 1863; died in office, October 9, 1865; in politics a Whig until 1854, thereafter a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 117; *Blue Book of Illinois*, 1913–1914, pp. 201, 214, 357–358; Cole, *The Era of the Civil War*, 149, 302; *Combined History of Edwards, Lawrence and Wabash Counties*, 132; *History of Crawford and Clark Counties*, part 2, pp. 291–292; Hollingsworth, *A List of the Members*.

Crain, John; born 1803, in Tennessee; 1810, brought to Illinois; farmer near Nashville, Washington County; 1836–1842, representative in General Assembly; 1842–1846, state senator; 1847, member of Constitutional Convention; in politics a Democrat. Ford, *History of Illinois*, 194–195, *Blue Book of Illinois*, 1913–1914, pp. 351, 353–355, 357; Thompson, *Illinois Whigs before 1846*, pp. 133, 139; Hollingsworth, *A List of the Members*.

Cross, Robert J.: born October 1, 1803, in Newburgh, Orange County, New York; spent greater part of minority in Bethel, Sullivan County, New York; 1825, went to Tecumseh, Lenaine County, Michigan; 1830, removed to Coldwater, Michigan; 1835, came to Winnebago County, Illinois; one of earliest settlers in Roscoe Township; farmer all his life; assisted in organization of Winnebago County; 1836, one of first judges of election in Winnebago County; 1836, elected justice of the peace; 1836–1839, first county treasurer; 1841, first vice-president of Winnebago County Agricultural Society; 1846–1848, 1872–1873, representative in General Assembly; 1847, 1869–1870, member of Constitutional Convention; 1861, defeated as candidate for election to Constitutional Convention of 1862; 1862, delegate to Union State Convention; 1868–1872, chairman of Board of Supervisors; township school fund trustee over thirty years; died February 15, 1873; in politics a Whig, later a Republican. *Blue Book of Illinois*, 1913–1914, pp. 359, 375;

History of Winnebago County, 236, 245, 353, 386, 389, 391–392, 618–619; Church, *History of Rockford and Winnebago County*, 39, 53, 121, 172, 191, 264; *Illinois State Journal*, September 25, 1862; Hollingsworth, *A List of the Members*.

Cross, Samuel J.: born 1806, in Pennsylvania; 1839, came to Illinois; 1841–1852, first circuit clerk of Woodford County; lived at Metamora, Woodford County; 1847, member of Constitutional Convention; 1859, first president of Board of Trustees of Metamora; in politics a Democrat. Moore, *History of Woodford County*, 97, 146, 182; Hollingsworth, *A List of the Members*.

Dale, Michael G.: born November 30, 1814 (1816), in Lancaster, Pennsylvania; attended West Chester Academy; 1835, graduated from Pennsylvania College at Gettysburg; 1837, admitted to the bar; 1838, came to Illinois; settled in Greenville, Bond County; 1839–1853, probate judge of Bond County; 1844, commissioned major of state militia; 1847, member of military court at Alton; 1847, member of Constitutional Convention; 1852, delegate to Democratic National Convention; 1853, removed to Edwardsville, Madison County; 1853–1857, register of United States land office at Edwardsville; 1855–1863, master in chancery; December, 1857–December, 1865, January, (1876) 1877–December, 1886, county judge of Madison County; president of Board of Education of Edwardsville; died April 1, 1895 (1896), at Edwardsville; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 126–127; *Biographical Encyclopedia of Illinois*, 292–293; Palmer, *Bench and Bar of Illinois*, 1:2, 526; 2:697–699; Perrin, *History of Bond and Montgomery Counties*, 171–172, 177, 339, *History of Madison County*, 192, 360–361; Hollingsworth, *A List of the Members*.

Davis, David: born March 9(19), 1815, in Cecil County, Maryland; 1832, graduated from Kenyon College, Ohio; studied law at Yale; 1835, came to Pekin, Illinois; 1836, settled at Bloomington, and practiced law; 1840, defeated as candidate for state senator by John Moore; 1844–1846, representative in General Assembly; 1847, member of Constitutional Convention; December 4, 1848–November 1, 1862, judge of the Eighth Judicial Circuit; 1860, delegate-at-large to Republican National Convention; 1861, member of commission to investigate Department of the Missouri; November, 1862–March, 1877, United States Supreme Court justice; 1872, nominated for president by Labor Reform party, and one of leading candidates for the Liberal Republican nomination; 1877–1883, United States senator; October, 1881–March 3, 1883, president pro tem of the United States Senate; died June 26, 1886, at his home in Bloomington; in politics a Whig, later an Independent Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 128; *United States Biographical Dictionary*, Illinois Volume, 16–20; *Encyclopedia of Biography of Illinois*, 1:9–14; Palmer, *Bench and Bar of Illinois*, 1:154, 541–549; *Illinois Handbook for 1870*, p. 181; *Blue Book of Illinois*, 1913–1914 pp. 154, 215, 357; Hollingsworth, *A List of the Members*.

Davis, James M.: born October 9, (1793) 1803, in Barren County, Kentucky; 1817, settled in Bond County, Illinois, where he is said to have taught the first school; ran a store in Greenville; 1842–1844, 1858–1860, representative in General Assembly; 1847, member of Constitutional Convention from Montgomery and Bond counties; 1849, register of the land office at Vandalia; practiced law at Hillsboro; died September 17, 1866 (1868), at Hillsboro, where he had long made

his home; in politics a Whig; later a Democrat and a bitter opponent of the war policy of President Lincoln. Bateman and Selby, *Historical Encyclopedia of Illinois*, 128; Palmer, *Bench and Bar of Illinois*, 1:526; 2:967–969; *Blue Book of Illinois*, 1913–1914, pp. 356, 366; Perrin, *History of Bond and Montgomery Counties*, part 2, p. 72; Hollingsworth, *A List of the Members*.

Davis, Thomas G. C.: born 1814, in Virginia; (1842) 1843 (1844), came to Illinois and settled in Golconda, Pope County; lawyer; one of the most popular orators in the state; 1846–1848, state senator; removed to Metropolis, Massac County; 1847, member of Constitutional Convention; 1850, independent Democratic candidate for Congress, but defeated by Willis Allen; removed to Paducah, Kentucky, afterwards to St. Louis, Missouri; leading lawyer there many years; late in life established a home in Denton, Texas; died in Texas, 1888; in politics a Democrat. Palmer, *Bench and Bar of Illinois*, 2:857, 1211; *Blue Book of Illinois*, 1913–1914, p. 358; Page, *History of Massac County*, 71–73; Hollingsworth, *A List of the Members*.

Dawson, John: born 1791 (1792), in Virginia; 1827 (1828), removed to Sangamon County, Illinois; 1830–1832, 1834–1840, representative in General Assembly; 1847, member of Constitutional Convention; farmer; died November 12, 1850; in politics a Whig. Bateman and Selby, *Historical Encyclopedia of Illinois*, 129; *Blue Book of Illinois*, 1913–1914, pp. 348, 350–351, 353; Hollingsworth, *A List of the Members*.

Deitz, Peter W.: born January 29, 1808, near Oneonta, Otsego County, New York; educated in common schools and Cazenovia Seminary; 1833, left for the West, spending time in Michigan and Indiana surveying, teaching, and reading law; 1836, admitted to the bar at Rushville, Indiana; returned to New York; 1837, came to Illinois; began farming near Marengo, McHenry County; 1842, defeated as candidate for representative in General Assembly; 1843–1845, county school commissioner; 1845, moved to Marengo; 1847, member of Constitutional Convention; 1857–1858, 1863–1868, county supervisor; 1865, chairman of Board of Supervisors; 1868–1870, representative in General Assembly; in politics a Whig, later a Republican. *History of McHenry County*, Inter-State Publishing Company, 219, 222–225, 759–760; *Blue Book of Illinois*, 1913–1914, p. 372; Hollingsworth, *A List of the Members*.

Dement, John: born April 26, 1804, in Gallatin, Sumner County, Tennessee; 1817, accompanied his parents to Franklin County, Illinois; 1826, elected sheriff of Franklin County; 1828–1832, 1836–1837, representative in General Assembly; 1832, served with distinction in Black Hawk War; February 1, 1831-December 3, 1836, state treasurer; removed to Vandalia; 1837, removed to Galena; 1837–1841, 1845–1849, 1853—till office abolished, receiver of public money, United States Land Office, by appointments of Presidents Van Buren, Polk, and Pierce; 1840, removed to Dixon, Lee County, where he afterwards resided; 1844, Democratic presidential elector; a farmer in 1847 but became a successful manufacturer and capitalist at Dixon; 1847, 1862, 1870, member of Constitutional Convention, temporary president in 1862, 1870; 1859, elected mayor of Dixon, but failed to qualify; 1869–1872, 1878–1879, mayor of Dixon; died at his home at Dixon, January 16 (17), 1883; in politics a Democrat. Bateman and Selby, *Historical*

Encyclopedia of Illinois, 132; *Blue Book of Illinois*, 1913–1914, pp. 141, 201, 347-348, 351; *United States Biographical Dictionary*, Illinois Volume, 780–781; *Biographical Encyclopedia of Illinois*, 267–268; Bateman and Selby, *Historical Encyclopedia of Illinois, Lee County*, 648, 650, 672, 770; Hollingsworth, *A List of the Members*.

Dummer, Henry E.: born April 9, 1808, at Hallowell, Maine; 1827, graduated from Bowdoin College; studied law at Cambridge Law School; 1832, came to Springfield, Illinois, where for a time he was a law partner of John T. Stuart; 1838, removed to Beardstown, Cass County; 1843–1847, 1849–(?), judge of probate; served as alderman and city attorney; 1847, member of Constitutional Convention; 1860–1864, state senator; 1864, delegate-at-large to Republican National Convention at Baltimore; 1864, removed to Jacksonville, where he practiced law; died August 12, 1878, in Mackinac, Michigan; in politics a Whig, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 606; Palmer, *Bench and Bar of Illinois*, 1:3, 166, 338–339; *Blue Book of Illinois*, 1913–1914, pp. 366–367; Bateman and Selby, *Historical Encyclopedia of Illinois, Cass County*, 2: 703; Perrin, *History of Cass County*, 57–58, 116–117; Hollingsworth, *A List of the Members*.

Dunlap, James: born October 30, 1802, in Fleming County, Kentucky; (1830) (1831) (1834), arrived in Illinois and engaged in general merchandise business; 1834–1837, trustee of town of Jacksonville; 1838, contracted to build the first railroad in Illinois, Meredosia to Springfield; 1845, road completed; 1846, colonel in Mexican War; 1847, bought with others the Northern Cross Railroad at public auction; dealt largely in real estate and was prominent farmer and stock dealer; 1847, member of Constitutional Convention; instrumental in securing state institutions for Jacksonville; member of first Board of Trustees of the Central Hospital for the Insane; member of first Board of Trustees of the School for the Blind; 1857, opened the "Dunlap House"; 1861, became strong Union man; 1861–1864, served as chief quartermaster of Thirteenth Army Corps; in politics a Democrat. *Biographical Encyclopedia of Illinois*, 301–302; Greene and Thompson, *Governors' Letter-Books*, 1840–1853, p. 106n; Eames, *Historic Morgan and Classic Jacksonville*, 78, 97, 102, 105, 111, 123, 126–127; Hollingsworth, *A List of the Members*.

Dunn, Harvey: born 1806, in New York; in boyhood went to Indiana, later to Ohio; 1835 (1837), came to Morgan County, Illinois; 1839, moved to Pike County; 1840, engaged in general merchandise business in Chambersburg, later a farmer near Chambersburg; 1847, member of Constitutional Convention; held various local offices; 1858, county supervisor; 1861, unsuccessful Republican candidate for county clerk; died December, 1869; in politics a Democrat, later a Republican. Massie, *Past and Present of Pike County*, 90, 468; *History of Pike County*, Charles C. Chapman and Company, 312, 409, 883; Hollingsworth, *A List of the Members*.

Dunsmore, Daniel: born 1793, in New York; 1816, came to Illinois; farmer near Exeter, Scott County; 1847, member of Constitutional Convention; in politics a Whig. Hollingsworth, *A List of the Members*.

Eccles, Joseph T.: born January 7, 1807, in Mercer County, Kentucky; educated chiefly in Harrodsburg, Kentucky; 1830, came to Fayette County,

Illinois; 1830–1832, taught school at Vandalia; 1832, served in Black Hawk War; clerked in store one year, then engaged in mercantile business for himself for several years; farmed near Vandalia about nine years; 1847, member of Constitutional Convention; removed to Hillsboro, Montgomery County, where he again engaged in mercantile business, and retired after several years; justice of the peace for several years at Vandalia and Hillsboro; assistant assessor and United States deputy revenue collector; 1860, nominated Richard Yates for governor; recruiting officer at Hillsboro during the war; 1862, delegate to Union State Convention; in politics a Whig, later a Republican. Perrin, *History of Bond and Montgomery Counties*, part 2, p. 103; *Illinois State Journal*, September 25, 1862; Hollingsworth, *A List of the Members*.

Edmonson, J. William F.: born 1816, in Maryland; 1840, came to Illinois; merchant at Vandalia, Fayette County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Edwards, Cyrus: born January 17, 1793, in Montgomery County, Maryland; 1800, removed to Kentucky; 1815, admitted to the bar at Kaskaskia, Illinois; 1815–1827 (1829), resided alternately in Kentucky and Missouri; 1827 (1829), took up residence at Edwardsville; engaged in business and later moved to Upper Alton; 1832, served in Black Hawk War; 1832–1834, 1840–1842, 1860–1862, representative in General Assembly; 1834–1838, state senator; 1838, defeated as candidate for governor; 1847, member of Constitutional Convention; 1852, received degree of LL.D. from Shurtleff College; died September, 1877, at Upper Alton; a patron of education and public charities; in politics a Whig and later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 152; *Blue Book of Illinois*, 1913–1914, pp. 349–350, 354, 367, 452; Hollingsworth, *A List of the Members*.

Edwards, Ninian Wirt: born April 15, 1809, at Frankfort, Kentucky; family removed in same year to Illinois, where his father became territorial governor; spent boyhood at Kaskaskia, Edwardsville, and Belleville; 1832, married Elizabeth P. Todd, a sister of Mrs. Abraham Lincoln; 1833, graduated from Transylvania University; 1834–1835, attorney general; 1835, removed to Springfield; 1836–1840, 1848–1851, representative in General Assembly until resignation because of change from Whig to Democratic principles; 1844–1848, state senator; 1847, member of Constitutional Convention; 1851, defeated in special election to succeed himself as a Democrat in General Assembly; 1852, appointed attorney for commissioners to investigate claims of canal contractors; 1854–1857, state superintendent of public instruction by appointment of Governor Matteson; 1861 (1862)–June, 1865, captain commissary of subsistence, by appointment of President Lincoln; June, 1865, retired to private life; 1870, published *History of Illinois*, 1778–1833, prepared at the request of the State Historical Society; died at Springfield, September 2, 1889; in politics a Whig until 1851, thereafter a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 152–153; Palmer, *Bench and Bar of Illinois*, 1:174–175; *Blue Book of Illinois*, 1913–1914, pp. 142, 351, 353, 357–358, 360, 362; Hollingsworth, *A List of the Members*.

Evey, Edward: born (1813) 1815, in Maryland; 1837, came to Illinois; lawyer at Shelbyville, Shelby County; 1839–1849, probate justice of the peace; 1847,

member of Constitutional Convention; 1848–1850, representative in General Assembly; 1854, went to Los Angeles, California; 1862, member of California Assembly as Union Democrat; 1878, member of second California Constitutional Convention; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, p. 360; Bateman and Selby, *Historical Encyclopedia of Illinois*, *Shelby County*, 2:686, 688, 733; *California Blue Book*, 1911, p. 252; *The Works of Hubert Howe Bancroft*, 24: 294n, 404; Hollingsworth, *A List of the Members*.

Ewing, James T.: born 1828, in Illinois; clerk at Vandalia, Fayette County; 1847, assistant secretary of Constitutional Convention. Hollingsworth, *A List of the Members*.

Farwell, Seth B.: born 1810, in New York; went from New York to Ohio; came to Ottawa, Illinois, (1834) 1835; lawyer; 1838, 1841–1842, 1842–1843, state's attorney; 1847, member of Constitutional Convention; residence in 1847 in Freeport, Stephenson County; removed to California and elected judge there; died on way from Kansas to California; in politics a Democrat. Baldwin, *History of LaSalle County*, 218, 231–232; Bateman and Selby, *Historical Encyclopedia of Illinois*, *Kane County*, 670; Bateman and Selby, *Historical Encyclopedia of Illinois*, *Kendall County*, 2:760; Hollingsworth, *A List of the Members*.

Frick, Frederick: born 1797, in Pennsylvania; 1838, came to Illinois; farmer near Bluff, Mercer County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Geddes, Thomas: born 1805, in Pennsylvania; 1835, came to Illinois; farmer near Fountain Green, Hancock County; 1847, member of Constitutional Convention; in politics a Whig. Hollingsworth, *A List of the Members*.

Graham, James: born 1792, in North Carolina; 1836, came to Illinois; farmer near Carlinville, Macoupin County; 1847, member of Constitutional Convention; in politics a Whig. Hollingsworth, *A List of the Members*.

Green, Henry R.: born 1788, in Rhode Island; 1837, came to Illinois; farmer near Delavan, Tazewell County; 1841, laid out the city of Delavan; 1846, one of first deacons of Baptist Church of Delavan; 1847, member of Constitutional Convention; 1862, delegate to Union State Convention; 1863, county supervisor; referred to in Convention as "the reverend member from Tazewell"; in politics a Whig, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, *Tazewell County*, 2:826, 829, 840; *Illinois State Journal*, September 25, 1862; Hollingsworth, *A List of the Members*.

Green, Peter: born 1807, in Kentucky; lived many years in Salem, Indiana, where he ran a furniture shop, ox-mill and distillery, and was expelled from the Methodist church on account of the latter occupation; also studied and practiced medicine while in Indiana; 1827, came to Illinois (1829 to Clay County); settled in Mayville, (now Clay City), where he practiced medicine, ran a hotel, and opened a general store; 1836–1844, representative in General Assembly; platted town of Louisville, influential in securing removal of county seat there, and went there to continue the practice of his profession; 1847, member of Constitutional Convention; invested largely in Louisville land, at one time owning six hundred acres; a physician of more than ordinary ability; a leader and politician of some note; died in Louisville, 1870; in politics a Democrat. *Blue Book of Illinois*, 1913–1914,

pp. 352–354, 356; Thompson, *Illinois Whigs before 1846*, p. 142; *History of Wayne and Clay Counties*, 376, 379–380, 397; Hollingsworth, *A List of the Members*.

Green, William B.: born 1807, in Ohio; 1822, came to Illinois; 1847, member of Constitutional Convention; engineer in Galena, Jo Daviess County; in politics a Whig. Hollingsworth, *A List of the Members*.

Gregg, David L.: born 1815, in New York; (1839) emigrated from Albany to Joliet, Illinois, where he began the practice of law; 1839, editor of *Joliet Courier*; 1842–1846, representative in General Assembly; removed to Chicago, where he served as United States district attorney; 1847, member of Constitutional Convention; 1849, professor of Rhetoric and Belles Lettres in the University of St. Mary's of the Lake at Chicago; April 2, 1850–January 10, 1853, secretary of state; 1852, defeated for Democratic nomination for governor by Joel A. Matteson; 1852, Democratic presidential elector; 1853, appointed commissioner to the Sandwich Islands; later acted for a time as minister or adviser of King Kamehamaha IV; returned to California; appointed by President Lincoln as receiver of public moneys at Carson City, Nevada; died December 23, 1868, at Carson City. Bateman and Selby, *Historical Encyclopedia of Illinois*, 209; Greene and Thompson, *Governors' Letter-Books*, 1840–1853, p. 233n; Scott, *Newspapers and Periodicals of Illinois*, 207; Cole, *The Era of the Civil War*, 102; *Blue Book of Illinois*, 1913–1914, pp. 140, 201, 356–357; Andreas, *History of Chicago*, 1:298; Hollingsworth, *A List of the Members*.

Grimshaw, William A.: born June 1, 1813, at Navin-on-the-Boyne, County Meath, Ireland (Bateman and Selby say Philadelphia); 1815, brought by parents to the United States on vessel bringing to Charleston, South Carolina, the first news of the Treaty of Ghent; father of English descent but born in Belfast, and later a member of the Philadelphia bar and a distinguished historian; 1832, admitted to the bar in Philadelphia at age of nineteen; 1833, came to Pike County, Illinois, lived at Atlas for a short time, afterward resided at Pittsfield; 1833, appointed adjutant of the seventeenth militia regiment; commissioned by Governor Reynolds as public administrator of Pike County; 1840, 1848, unsuccessful candidate for representative in General Assembly; 1847, member of Constitutional Convention, and author of the article prohibiting dueling; 1864, delegate to the Republican National Convention; for twelve years trustee of the state Institution for the Blind at Jacksonville; 1877–1882, member of State Board of Charities; for many years trustee and school director of Pittsfield; 1880, Republican presidential elector; president and director of Pike County Agricultural Society; one of originators of Old Settlers' Association; died January 7, 1895, at Pittsfield; in politics a Whig, thereafter a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 212; *Blue Book of Illinois*, 1913–1914, p. 202; Massie, *Past and Present of Pike County*, 174–181; *History of Pike County*, Charles C. Chapman and Company, 682–683; Hollingsworth, *A List of the Members*.

Harding, Abner Clark: born February 10, 1807, in East Hampton, Middlesex County, Connecticut; 1815, removed with parents to Plainfield, Herkimer County, New York; educated in public schools and academy at Hamilton, New York; 1821, enlisted in the navy, but rejected on account of small stature; 1821–1825, engaged in teaching and other vocations; 1826-1827, read law at Bridge-

water, New York; 1828, removed to Pennsylvania and admitted to the bar at Lewisburg; 1836, elected member of Constitutional Convention of Pennsylvania; 1838, came to Illinois, and established a home at Monmouth, Warren County; practiced law, became active in politics, and was regarded as a leader of the Whig party; 1847, member of Constitutional Convention; 1847–1849, county school commissioner; 1848–1850, representative in General Assembly; 1851, abandoned practice of law on account of failing eyesight, and until about 1860, engaged in traveling for his health; interested in railroad enterprises; 1862, instrumental in organizing Eighty-third Illinois Volunteer Infantry; enlisted as a private, was elected and commissioned colonel, and on May 22, 1863, made brigadier-general, probably because of his skill and gallantry in defending Fort Donelson after its capture by the Union Army; 1865–1869, Republican representative in Congress; May-October, 1871, traveled in Europe; accumulated a fortune of about $2,000,000; one of first trustees of Monmouth College; endowed a professorship; died July (10) 19, 1874, in Monmouth. Bateman and Selby, *Historical Encyclopedia of Illinois*, 220; *Blue Book of Illinois*, 1913–1914, pp. 193, 360; *Biographical Congressional Directory, 1774–1911*, p. 703; Bateman and Selby, *Historical Encyclopedia of Illinois, Warren County*, 2:706, 708, 761, 833–834; *Portrait and Biographical Album of Warren County*, Chapman Brothers, 541–543; Hollingsworth, *A List of the Members*.

Harlan, Justin: born December 6, 1800, in Warren County, Ohio; educated in the public schools; taught school; studied law in Cincinnati under Judge McLean, later associate justice of the United States Supreme Court; 1825, came to Darwin, Clark County, Illinois; 1832, served in Black Hawk War; 1835–1861, circuit judge; 1840, removed to Marshall, where he afterward resided; 1847, member of Constitutional Convention; 1862–1865, Indian agent under President Lincoln; 1873–1877, county judge of Clark County; died March 12, 1879, while visiting a daughter in Kentucky; in politics a Whig, thereafter a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 221; *Blue Book of Illinois*, 1913–1914, p. 214; *History of Crawford and Clark Counties*, part 2, p. 288, part 3, p. 25; Hollingsworth, *A List of the Members*.

Harper, Joshua: born 1801, in Virginia; 1836, came to Illinois; farmer near Morristown, Henry County; 1842–1846, representative in General Assembly; 1847, member of Constitutional Convention; in politics a Whig. *Blue Book of Illinois*, 1913–1914, pp. 356–357; Thompson, *Illinois Whigs before 1846*, p. 142; Hollingsworth, *A List of the Members*.

Harvey, Curtis K.: born 1815, in Vermont; 1836, came to Knoxville, Illinois; pioneer member of Knox County bar; 1840–1847, school commissioner of Knox County; 1847, member of Constitutional Convention; in politics a Democrat; died suddenly, 1847. Palmer, *Bench and Bar of Illinois*, 1:450; Bateman and Selby, *Historical Encyclopedia of Illinois, Knox County*, 633; Hollingsworth, *A List of the Members*.

Hatch, Jeduthan: born 1809, in New Hampshire; 1836, came to Illinois; farmer near Naperville, DuPage County; 1842–1844, representative in General Assembly; 1847, member of Constitutional Convention; 1851, county supervisor; 1852, county judge; in politics a Democrat. *Blue Book of Illinois*, 1913–1914,

p. 356; Thompson, *Illinois Whigs before 1846*, p. 142; Bateman and Selby, *Historical Encyclopedia of Illinois, DuPage County*, 2: 643, 645, 654, 656, 682–683; Richmond, *History of DuPage County*, 44, 46, 51; Hollingsworth, *A List of the Members*.

Hawley, Nelson: born 1809, in Vermont; 1839, came to Illinois; physician at Palestine, Crawford County; 1845–1853, county school commissioner; 1847, member of Constitutional Convention; in politics a Democrat. *History of Crawford and Clark Counties*, part 1, p. 51; Hollingsworth, *A List of the Members*.

Hay, Daniel: born 1781, in Virginia; 1816, came to Illinois; July 15, 1816, appointed county treasurer of White County; January 14, 1817–August, 1818, justice of the peace for White County; June 17, 1817, appointed captain of Rifle Company, Fifth Regiment; January, 1818, appointed census commissioner; 1824–1828, state senator; 1847, member of Constitutional Convention; a farmer; in politics a Whig. *Blue Book of Illinois*, 1913–1914, pp. 344–345; *Territorial Register*, 1809–1818, pp. 42, 45, 49, 54, 60; Hollingsworth, *A List of the Members*.

Hayes, Samuel Snowden (Snowdon): born December 25, 1820, in Nashville, Tennessee; educated in Nashville and Cincinnati; 1837, employed in drug store in Louisville, Kentucky; August, 1838, removed to Shawneetown, Illinois; 1838–1840, engaged in drug business at Shawneetown; 1842, admitted to the bar and settled in Mt. Vernon; shortly afterward removed to Carmi, White County; 1843, 1844, stumped southern Illinois for the Democratic ticket; 1845, delegate to Memphis Commercial Convention; 1846–1850, representative in General Assembly; 1847, raised company for service in Mexican War, but was never mustered in; 1847, 1870, member of Constitutional Convention, the youngest member of the Convention of 1847; 1848, Democratic presidential elector; appointed by Governor French as honorary aide de camp with rank of colonel; winter of 1850–1851, removed to Chicago; as friend of Douglas, opposed the repeal of the Missouri Compromise, but supported Buchanan; 1860, delegate to Democratic National Convention at Charleston and Baltimore, and canvassed the state for Douglas; supported the Union cause, but opposed the government war policies; 1858–1861, 1864–1865, member of Chicago Board of Education; 1862–1865, 1873–1876, city comptroller; (1866), member of United States Revenue Commission, and brought by his report into national prominence; 1867–1870, trustee of Illinois Industrial University; 1872, appointed one of first directors of the Chicago Public Library; 1876,defeated as candidate for presidential elector. Bateman and Selby, *Historical Encyclopedia of Illinois*, 226–227; *Biographical Encyclopedia of Illinois*, 465–467; Palmer, *Bench and Bar of Illinois*, 1:5; 2:647–648; *Blue Book of Illinois*, 1913–1914, pp. 201, 359–360; Moses, *History of Chicago*, 1:218, 220; Andreas, *History of Chicago*, 2:103–105; 3:847, 860; Powell, *Semi-Centennial History of the University of Illinois*, 1:338, 344; Hollingsworth, *A List of the Members*.

Heacock, Reuben E. (B.): born 1818, in Illinois; son of Russell E. Heacock; farmer near Summit, Cook County; 1847, member of Constitutional Convention; 1850, first commissioner of highways of Lyons Township; 1852, overseer of the poor; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 228; Andreas, *History of Cook County*, 810; Hollingsworth, *A List of the Members*.

Henderson, Hugh: born 1810, in New York; 1836, came to Illinois; lawyer in Joliet, Will County; 1839, one of founders and publishers of *Joliet Courier*; 1843, appointed by Governor Ford as counsel for the state to aid the appraisers of damages on the canal; 1847, member of Constitutional Convention; 1849–1854, circuit judge; died in office, 1854. *Blue Book of Illinois*, 1913–1914, p. 215; Scott, *Newspapers and Periodicals of Illinois*, 207; Greene and Thompson, *Governors' Letter-Books*, 1840–1853, p. 80; Hollingsworth, *A List of the Members*.

Hill, George H. (W.): born May 20, 1810, in Rensselaer County, New York; 1835, came to Illinois; farmer near Genoa, DeKalb County; 1835, one of committee of five to settle disputed titles to claims; justice of the peace for many years; 1837–1839, first treasurer and assessor of DeKalb County; 1846–1850, county commissioner; 1847, member of Constitutional Convention; (1849–1855), postmaster of Kingston; associate county judge four years; 1854–1862 (1857–1861), county judge; county supervisor for five years; township treasurer thirty years; died 1890, on his farm in DeKalb County; in politics a Democrat, later a Republican. Gross, *Past and Present of DeKalb County*, 1:59, 79, 81–82, 96, 157–159, 162, 302–303, 327; *Portrait and Biographical Album of DeKalb County*, Chapman Brothers, 351–352; Hollingsworth, *A List of the Members*.

Hoes, Abraham: born 1814, in New York; brother of John V. A. Hoes; 1841, came to Illinois; lawyer at Ottawa, LaSalle County; 1847, member of Constitutional Convention; died (1856); in politics a Democrat. *History of LaSalle County*, Inter-State Publishing Company, 1:392; Palmer, *Bench and Bar of Illinois*, 2:818; Hollingsworth, *A List of the Members*.

Hogue, James M.: born 1812, in Tennessee; 1817, came to Illinois; farmer near Fairfield, Wayne County; 1839–1841, circuit clerk; 1847, member of Constitutional Convention; in politics a Democrat. *History of Wayne and Clay Counties*, part 2, p. 337; Hollingsworth, *A List of the Members*.

Holmes, William H.: born 1809, in New York; 1834, came to Illinois; lawyer at Pekin, Tazewell County; 1838–1839, village clerk of Pekin; 1841, assessor of Pekin; 1847, member of Constitutional Convention; in politics a Whig. Bateman and Selby, *Historical Encyclopedia of Illinois*, *Tazewell County*, 2:900; Hollingsworth, *A List of the Members*.

Hunsaker, Samuel: born 1795, in Kentucky; 1810, came to Illinois; farmer near Jonesboro, Union County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Hurlbut, Stephen Augustus: born November 29, 1815 (1819), at Charleston, South Carolina; received thorough liberal education; 1837, admitted to the bar; (1838) (1845), removed to Belvidere, Boone County, Illinois; 1847, member of the Constitutional Convention; 1848, defeated for presidential elector; 1858–1862, 1866–1868, representative in General Assembly; May, 1861–July, 1865, served in war as brigadier-general and major-general; 1868, presidential elector; 1869–1872, minister resident to the United States of Columbia; 1873–1877, representative in Congress; 1876, defeated for reëlection as Independent Republican; 1881–1882, minister resident to Peru; first commander-in-chief of the Grand Army of the Republic; died March 27, 1882, at Lima, Peru; in politics a Whig until 1856, thereafter a Republican. Bateman and Selby *Historical Encyclopedia of Illinois*,

240–241; *Biographical Encyclopedia of Illinois*, 480; *Blue Book of Illinois*, 1913–1914, pp. 194, 202, 366–367, 370; *Biographical Congressional Directory, 1774–1911*, p. 749; Church, *History of Rockford and Winnebago County*, 264, 330–331; Hollingsworth, *A List of the Members*.

Huston, John: born May 17, 1808, near Sparta, White County, Tennessee; 1828 (1829), came to Illinois and settled near Jacksonville; 1830, removed to farm near Blandinsville, McDonough County, where he afterward resided; September, 1830–March 17, 1831, first county treasurer of McDonough County; 1847, member of Constitutional Convention; 1850–1852, representative in General Assembly; 1852, defeated for reëlection; died July 8, 1854; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois, McDonough County*, 669, 916; *Blue Book of Illinois*, 1913–1914, p. 362; Clarke, *History of McDonough County*, 23, 32, 376–380, 402–404; Hollingsworth, *A List of the Members*.

Jackson, Aaron C.: born October 29, 1800, in Morristown, New Jersey; 1805, taken to Fort Pitt, Pennsylvania; later taken to Knox County, Ohio; 1837, emigrated to Illinois; farmer near Union Grove, Whiteside County; 1839, commissioned justice of the peace; 1842–1844, representative in General Assembly; 1847, member of Constitutional Convention; 1852–1857, county supervisor; postmaster of Morrison during Lincoln's administration; in politics a Whig. Bent, *History of Whiteside County*, 67, 104, 292, 295, 298–299; *Blue Book of Illinois*, 1913–1914, p. 356; Hollingsworth, *A List of the Members*.

James, James A.: born 1794 (1798), in Maryland (Kentucky); 1803 (1804), came to Illinois; attended college at Beardstown, Kentucky; farmer near Harrisonville, Monroe County; 1827, colonel of state militia; 1840–1844, state senator; 1847, member of Constitutional Convention; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 354–355; *History of Randolph, Monroe and Perry Counties*, 149, 413–414; Hollingsworth, *A List of the Members*.

Jenkins, Alexander M.: born 1802 (1803) in South Carolina; 1817, came to Jackson County, Illinois; learned trade of carpenter; served as constable; 1830-1834, representative in General Assembly; 1832–1834, speaker; 1832, captain in Black Hawk War; 1834–1836, lieutenant-governor; 1836, president of first Illinois Central Railroad Company; 1836–1838, receiver of public moneys in land office at Edwardsville; studied law during residence at Edwardsville and practiced at Murphysboro; 1847, member of Constitutional Convention; 1855, edited *Jackson Democrat;* 1855, established *Murphysboro Sentinel;* August 27, 1859–February 13, 1864, circuit judge of Third Judicial Circuit; died in office, February 13, 1864; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 304; *Blue Book of Illinois*, 1913–1914, pp. 139, 214, 348–349; Scott, *Newspapers and Periodicals of Illinois*, 256–257; *History of Jackson County*, 14, 17, 22, 57; *History of Madison County*, 186; Hollingsworth, *A List of the Members*.

Jones, Humphrey B.: born 1799, in Christian County, Kentucky; (1819) 1821, came to Illinois, and settled in Brownsville, Jackson County; 1827, removed to Pinckneyville, Perry County; physician, later a lawyer; 1827, one of commissioners to lay out county seat; 1827, commissioned one of first justices of the peace in Perry County; first postmaster of Pinckneyville; first master in chancery in Perry County; 1827–1839, 1841–1855, first county clerk; 1827–1843, first clerk of

circuit court; 1828–1847, 1849, first probate judge; 1835–1839, county recorder, 1847, member of Constitutional Convention; died November 18, 1855, in Pinckneyville; in politics a Whig. *History of Randolph, Monroe and Perry Counties*, 85, 162–167, 178–179, 188, 191, 335, 337–338; Hollingsworth, *A List of the Members*.

Judd, Thomas: born September 4, 1812, in East Charlemont, Franklin County, Massachusetts; 1835, came to Chicago, Illinois; later engaged in farming in Du Page County; removed to Kane County and opened first blacksmith shop in Elgin; traveled with the government survey for a short time; fall of 1836, began farming in Sugar Grove Township, Kane County; assisted in building Chicago and Iowa Railroad through Sugar Grove Township; first station agent at Sugar Grove; county supervisor for two years; 1847, member of Constitutional Convention; November 13, 1849–October 20, 1855, October 26, 1857–October 11, 1880, postmaster of Sugar Grove; one of founders of Sugar Grove Normal and Industrial Institute; in politics a Whig; died January 11, 1881. Bateman and Selby, *Historical Encyclopedia of Illinois, Kane County*, 831; *Past and Present of Kane County*, 413, 420–421, 658; *Commemorative Biographical and Historical Record of Kane County*, 928, 1103; Hollingsworth, *A List of the Members*.

Kenner, Alvin R.: born 1809, in Ohio; 1825, came to Illinois; farmer near Albion, Edwards County; 1847, member of Constitutional Convention; 1862, delegate to Union State Convention; in politics a Whig, later a Republican. Hollingsworth, *A List of the Members*.

Kinney Simon: born 1786, in Pennsylvania; 1836, came to Illinois; lawyer at Windsor, (now Tiskilwa), Bureau County; 1847, member of Constitutional Convention; in politics a Whig. Matson, *Map of Bureau County, with Sketches of Its Early Settlement*, 50; Hollingsworth, *A List of the Members*.

Kinney, William C.: born 1819, in Illinois; son of former Lieutenant-Governor Kinney; 1839, began practice of law at Belleville; 1839, 1856, 1858, prosecuting attorney; 1841–1845, circuit clerk and ex-officio recorder of deeds; 1847, member of Constitutional Convention; 1848, state's attorney; 1854–1856, representative in General Assembly; 1857–1858, adjustant-general; died in office, 1858; in politics a Democrat, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 317–318; *Blue Book of Illinois*, 1913–1914, pp. 144, 364; Bateman and Selby, *Historical Encyclopedia of Illinois, St. Clair County*, 2:684, 687, 690, 703, 743, 749, 831; *History of St. Clair County*, Brink, McDonough and Company, 77–79, 90, 94; Hollingsworth, *A List of the Members*.

Kitchell, Alfred: born March 29, 1820, at Palestine, Crawford County; received his education at Hillsboro Academy and Indiana State University; 1841, admitted to the bar; 1842, began practice of law at Olney, Richland County; 1843–1853, state's attorney; 1847, member of Constitutional Convention; 1849-1852, judge of Richland County; 1849–1850, edited *Olney News*, first newspaper established in Olney; 1859–1861, circuit judge of the Twenty-fifth Judicial Circuit; promoter and director of the Ohio and Mississippi Railroad; 1866, removed to Galesburg, where he died, November 11, 1876; in politics a Democrat until 1856, thereafter a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 319–320; *Blue Book of Illinois*, 1913–1914, p. 216; Palmer, *Bench and Bar of Illinois*, 1:126; *Biographical Encyclopedia of Illinois*, 481; Scott, *Newspapers and*

Periodicals of Illinois, 265; *Counties of Cumberland, Jasper, and Richland, Historical and Biographical*, 639, 657, 712; Perrin, *History of Crawford and Clark Counties*, part 1, pp. 57–58.

Knapp, Augustus R.: born 1801 (1802), in Connecticut; removed in youth to New York and studied medicine in New York City; 1823–1839, physician in New York City; 1839, went to Kane, Green County, Illinois; 1844, removed to Jerseyville, Jersey County; 1847, member of Constitutional Convention; 1849, went to California as a gold hunter; 1854, returned to Jerseyville, where he died July 13, 1862; in politics a Whig. *History of Greene and Jersey Counties*, 152, 156–157, 725–726; Cooper, *History of Jerseyville*, 78–79; Hollingsworth, *A List of the Members*.

Knapp, Nathan Morse: born March 4, 1815, in Royalton, Vermont (New Hampshire); 1837, came to Naples, Scott County, Illinois; 1837–1838, edited *Spirit of the West*, and taught school; 1838, removed to Jacksonville; 1839, settled in Winchester, Scott County; served as county clerk and read law during term in that office; admitted to the bar; 1847, member of Constitutional Convention; 1850–1852, representative in General Assembly, 1860, delegate to Republican National Convention; 1862, delegate to Union State Convention; 1863–1865, army paymaster with rank of major; 1865, appointed by President Johnson collector of internal revenue; died October 4, 1879, in Winchester; in politics a Whig, later a Republican. *United States Biographical Dictionary*, Illinois Volume, 810–811; *Blue Book of Illinois*, 1913–1914, p. 361; Scott, *Newspapers and Periodicals of Illinois*, 258; *Illinois State Journal*, September 25, 1862; Hollingsworth, *A List of the Members*.

Knowlton, Lincoln B.: born (1804) 1813, in Shrewsbury, Massachusetts; attended Union College, Schenectady, New York; studied law with Governor "Honest John Davis" of Massachusetts; 1839, went to Peoria; known as one of the most brilliant and prominent lawyers of his day, the Henry Clay of the Illinois bar; 1844, delegate to Whig National Convention that nominated Clay; 1846, unsuccessful candidate for state senator; 1847, member of Constitutional Convention; 1852, Free Soil candidate for governor; 1854, nominated for Congress; intimate friend of Lincoln, David Davis, Stephen A. Douglas and other eminent men of the early bar of Illinois; died 1854, in politics a Whig. Palmer, *Bench and Bar of Illinois*, 1:293–294; Bateman and Selby, *Historical Encyclopedia of Illinois, Peoria County*, 2:134; Rice, *Peoria, City and County*, 1:368; Bateman and Selby, *Historical Encyclopedia of Illinois, Sangamon County*, 2:673; Hollingsworth, *A List of the Members*.

Knox, James: born July 4, 1807, in Canajoharie, Montgomery County, New York; 1827–1828, attended Hamilton College, New York; 1830, graduated from Yale; 1833, admitted to the bar; 1836, came to Knoxville, Illinois; one of prime movers in construction of Peoria and Oquawka Railroad and its first president; 1837, procured charter for Knox College at Galesburg; 1840, engaged in mercantile business and continued for several years; 1847, member of Constitutional Convention; 1853–1857, representative in Congress; 1857–1861, 1865–1869, 1872–1873, visited in Berlin, seeking medical aid; liberal in his donations to various collegiate institutions; died October (8) 9, 1876; in politics a Whig until 1854,

thereafter a Republican. *Biographical Encyclopedia of Illinois*, 502; *Blue Book of Illinois*, 1913–1914, p. 192; *Biographical Congressional Directory, 1774–1911*, p. 787; *History of Knox County*, Charles C. Chapman and Company, 686–687; Bateman and Selby, *Historical Encyclopedia of Illinois, Knox County*, 873; Hollingsworth, *A List of the Members*.

Kreider, George: born 1785, in Pennsylvania; 1835, came to Illinois; farmer near Ellisville, Fulton County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Lander, Samuel: born January 21, 1798, in Clark County, Kentucky; October, 1835, came to Bloomington, Illinois; farmer and stock-raiser; 1847, member of Constitutional Convention; removed to Denison, Texas; died January 8, 1892; in politics a Whig, later a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois, McLean County*, 2:1147; *Portrait and Biographical Album of McLean County*, Chapman Brothers, 736–737; Duis, *The Good Old Times in McLean County*, 318–320; Hollingsworth *A List of the Members*.

Lasater, James M.: born 1817, in Tennessee; 1820, brought to Illinois; farmer near McLeansboro, Hamilton County; sheriff of county; 1847, member of Constitutional Convention; in politics a Democrat. *History of Gallatin, Saline, Hamilton, Franklin, and Williamson Counties*, 259–260; Hollingsworth, *A List of the Members*.

Laughlin, William: born 1800, in Kentucky; 1832, came to Illinois; farmer near Marcelline, Adams County; 1840–1842, representative in General Assembly; 1847, member of Constitutional Convention; 1870, one of first vice-presidents of Old Settlers' Association of Adams and Brown counties; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, p. 354; *History of Adams County*, 399, 421; Thompson, *Illinois Whigs before 1846*, p. 144; Hollingsworth. *A List of the Members*.

Lavely, William: 1847, justice of the peace; 1852, mayor of Springfield; 1853, defeated for county clerk; 1861, defeated for county treasurer; 1869, member of Springfield Board of Trade; member of Masonic Order; in politics a Democrat. Power, *History of Springfield*, 64, 101; *History of Sangamon County*, Inter-State Publishing Company, 274–275, 566; *Journal of the Convention, 1847*, p. 6.

Lemon, George B.: born 1810, in Ohio; 1836, came to Illinois; farmer near Marion, DeWitt County; 1847, member of Constitutional Convention; 1854–1857, associate county judge; 1861–1863, county supervisor; in politics a Whig. *History of DeWitt County*, 1:127–130, 134, 139, 432; Hollingsworth, *A List of the Members*.

Lenley (Linley), Isaac: born 1807, in Kentucky; 1833, came to Illinois, farmer near Astoria, Fulton County; 1839–1842, county commissioner; 1847, member of Constitutional Convention; 1850–1852, representative in General Assembly; 1854, county supervisor; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, p. 362; *History of Fulton County*, Charles C. Chapman and Company, 968, 988; Hollingsworth, *A List of the Members*.

Lockwood, Samuel Drake: born August 2, 1789; at Poundridge, Westchester County, New York; February, 1811, admitted to the bar at Batavia, New York; January, 1812, removed to Sempronius; there appointed justice of peace and master in chancery; November, 1813, removed to Auburn; 1818, came to Illinois;

settled at Carmi; 1821, prosecuting attorney; February 26, 1821–December 28, 1822, attorney-general; December 18, 1822–April 2, 1823, secretary of state; 1823, receiver of public moneys at Edwardsville; agent of the first Board of Canal Commissioners; January 19, 1825–November 3, 1848, judge of Supreme Court of Illinois; 1828–1853, trustee of Illinois College, Jacksonville; 1829, removed to Jacksonville, Morgan County; 1847, member of Constitutional Convention; 1851–1874, state trustee of the Illinois Central Railroad; 1853, removed to Batavia, Kane County; died April 23, 1874, at Batavia; in politics a Whig, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 341–342; Palmer, *Bench and Bar of Illinois*, 1:22–23; 2:1094–1095; *Biographical Encyclopedia of Illinois*, 398–399; *Blue Book of Illinois*, 1913–1914, pp. 140, 142, 210; Bateman and Selby, *Historical Encyclopedia of Illinois, St. Clair County*, 2:703; Hollingsworth, *A List of the Members*.

Logan, Stephen Trigg: born February 24, 1800, in Franklin County, Kentucky; 1820, admitted to the bar; 1832, emigrated to Sangamon County, Illinois; 1833, opened law office at Springfield; 1835–1837, circuit judge; 1839, elected circuit judge but declined to serve; 1841–1844, partner of Abraham Lincoln; 1842–1848, 1854–1856, representative in General Assembly; 1848, defeated for representative in Congress; 1855, nominated without his consent for judge of Supreme Court of Illinois; 1847, member of Constitutional Convention; 1860, delegate to Republican National Convention; 1861, commissioned by Governor Yates to represent Illinois in the Washington Peace Conference; retired to private life; 1872, presided over Republican State Convention; died July 17, 1880, at Springfield; in politics a Whig, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 343; Palmer, *Bench and Bar of Illinois*, 1:166–172; *Encyclopedia of Biography of Illinois*, 1:149–153; *Blue Book of Illinois*, 1913–1914, pp. 213–214, 356–357; 364; Cole, *The Era of the Civil War*, 258, 298; *History of Sangamon County*, Inter-State Publishing Company, 87–91; Hollingsworth, *A List of the Members*.

Loudon, John Tineri: born 1819, in Illinois; farmer near Bainbridge, Williamson County; became prominent member of Marion bar; 1847, member of Constitutional Convention; 1849–1856, circuit clerk; in politics a Whig. Erwin, *History of Williamson County*, 235, 250; *History of Gallatin, Saline, Hamilton, Franklin, and Williamson Counties*, 458, 470; Hollingsworth, *A List of the Members*.

McCallen, Andrew: born October 29, 1813, at Palmyra, Indiana; 1814, brought to Illinois; 1843, came to Shawneetown (Elizabethtown); 1846, began practice of law; 1847, member of Constitutional Convention; August 17, 1849–May 3, 1853, register of land office at Shawneetown; successful criminal lawyer; died February 10, 1861 at Shawneetown; in politics a Whig. Palmer, *Bench and Bar of Illinois*, 2: 857; *History of Gallatin, Saline, Hamilton, Franklin and Williamson Counties*, 112; Hollingsworth, *A List of the Members*.

McClure, William: born 1807, in Pennsylvania; 1844, came to Illinois; farmer near Joliet, Will County; in politics a Democrat. Hollingsworth, *A List of the Members*.

McCulley, John: born 1799, in North Carolina; 1816, came to Illinois; farmer near Belleville, St. Clair County; in politics a Democrat. Hollingsworth, *A List of the Members*.

McHatton, Alexander: born 1787, in Kentucky; 1832, came to Illinois; farmer near Camden, Schuyler County; in politics a Democrat. Hollingsworth, *A List of the Members.*

Manly, Uri: born 1807, in Massachusetts; 1832, came to Illinois; lawyer at Marshall, Clark County; 1834–1836, 1852–1854, representative in General Assembly; 1835–1843, county judge of Clark County; first postmaster of Marshall; 1837–1842, clerk of circuit and county commissioners' courts; 1847, member of Constitutional Convention; 1847, one of board of commissioners for disbursement of military fund; 1848–1850, state senator; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 350, 360, 363; Thompson, *Illinois Whigs before 1846*, p. 145; Perrin, *History of Crawford and Clark Counties*, 51, 256, 259, 289, 303; French Manuscripts, McKendree College Library, Lebanon, Illinois. Hollingsworth, *A List of the Members.*

Markley, David: born 1791, in Pennsylvania; colonel in War of 1812; county judge in Champaign County, Ohio; 1835 (1836), came to Illinois; 1836–1839, engaged in mercantile business in Canton, Fulton County; 1837, president of first Board of Trustees of Canton; 1838–1850, state senator; 1844, removed to farm near Monterey in Banner Township; 1847, member of Constitutional Convention; 1850, county supervisor; 1856, removed to Nebraska; soon returned to Illinois, settling in Stark County; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 352, 354–355, 357–358, 360; Greene and Thompson, *Governors' Letter-Books*, 1840–1853, p. 104n; *History of Fulton County*, Charles C. Chapman and Company, 476, 523–524, 527–528, 987; Hollingsworth, *A List of the Members.*

Marshall, Franklin S. D.: born 1819, in Kentucky; 1831, came to Cass County, Illinois; removed to Bath, Mason County, where he practiced law; 1845–1848, circuit clerk; 1853, first master in chancery; 1847, member of Constitutional Convention; died, 1854 (1855); in politics a Whig. *History of Menard and Mason Counties*, 435, 437–438, 568; Hollingsworth, *A List of the Members.*

Marshall, Thomas A.: born 1818, in Kentucky; 1839, came to Illinois; lawyer at Charleston, Coles County; 1847, member of Constitutional Convention; 1858–1862, state senator; 1860, delegate to Republican National Convention; 1861, president pro tem of Senate and acting lieutenant-governor; 1861–1862, colonel of First Illinois Cavalry; in politics a Whig, later a Republican. Moses, *History of Illinois*, 1205, 1225; *Blue Book of Illinois*, 1913–1914, pp. 139, 365–366, 391; Palmer, *Bench and Bar of Illinois*, 1:3; Hollingsworth, *A List of the Members.*

Mason, John West: born 1806, in New York; 1833, came to Illinois; 1836, in first Kane County election, unsuccessful candidate for representative in General Assembly; 1838, though he carried his own county, defeated by William Stadden in election for state senator; 1847, member of Constitutional Convention; farmer near Newark, Kendall County, in 1847; 1850–1854, one of editors of *Lacon Herald;* in politics a Whig, thereafter a Democrat. Scott, *Newspapers and Periodicals of Illinois*, 217; *Blue Book of Illinois*, 1913–1914, p. 352; *Past and Present of Kane County*, 244, 248; Hollingsworth, *A List of the Members.*

Matheny, James H.: born October 30, 1818, in St. Clair County, Illinois; 1821, brought by his parents to Springfield, where he afterward resided; 1839, appointed deputy clerk of the Supreme Court and served for a time; 1843, admitted

to the bar; 1847, member of Constitutional Convention; 1852–1856, clerk of circuit court; October, 1862, commissioned lieutenant-colonel of One Hundred Fourteenth (One Hundred Thirtieth) Illinois Volunteers; after siege of Vicksburg served as judge-advocate until July, 1864, when he resigned and resumed the practice of law; 1873–1890, county judge of Sangamon County; in politics a Whig, acted for a short time with the American and Republican parties, thereafter a Democrat; died September 7, 1890. Bateman and Selby, *Historical Encyclopedia of Illinois*, 356; Palmer, *Bench and Bar of Illinois*, 1:191–192; *Blue Book of Illinois*, 1913–1914, p. 432; Hollingsworth, *A List of the Members*.

Mieure, John: born 1800, in Virginia; 1824, came to Lawrence County, Illinois, and established business as dry-goods merchant in Lawrenceville; later became farmer near Lawrenceville; county commissioner; 1847, member of Constitutional Convention; in politics a Whig; died June 3, 1849. Bateman and Selby, *Illinois Historical and Lawrence County Biographical*, 719; *Combined History of Edwards, Lawrence and Wabash Counties*, 108, 110, 113; Hollingsworth, *A List of the Members*.

Miller, Robert: born 1808, in Pennsylvania; 1835, came to Illinois; 1847, member of Constitutional Convention; merchant in Warsaw, Hancock County; in politics a Whig. Hollingsworth, *A List of the Members*.

Minshall, William A.: born 1802, in Virginia; 1829, removed to Rushville, Illinois, and took up practice of law; 1832–1834, 1836–1838, 1840–1842, representative in General Assembly; 1847, member of Constitutional Convention; 1849–1852, judge of the Circuit Court for the Fifth Circuit; died in office, November 5, 1852 (1853); in politics a Whig. Bateman and Selby, *Historical Encyclopedia of Illinois*, 379; Palmer, *Bench and Bar of Illinois*, 1:183–184; 2:876; *Blue Book of Illinois*, 1913–1914, pp. 214, 349, 351, 355; Bateman and Selby, *Historical Encyclopedia of Illinois, Schuyler County*, 671, 677; Bateman and Selby, *Historical Encyclopedia of Illinois, McDonough County*, 649; Hollingsworth, *A List of the Members*.

Moffett, Garner: born January, 1807, in Virginia; 1836, came to Illinois, and began farming near Cherry Grove, Carroll County; 1839, one of first county commissioners; 1847, member of Constitutional Convention; county superintendent of schools for many years; held many other offices; died October, 1856; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois, Carroll County*, 2:629, 637, 704; *History of Carroll County*, H. F. Kett and Company, 480; Hollingsworth, *A List of the Members*.

Moore, Henry W.: born 1816; 1840, removed to Illinois; lawyer at Equality, Gallatin County; 1845, prosecuting attorney for circuit; 1846-1848, secretary of Senate; 1847, secretary of Constitutional Convention; in politics a Democrat. *Blue Book of Illinois*, 1913-1914, p. 358; *History of Marion and Clinton Counties*, 95; Hollingsworth, *A List of the Members*.

Moore, William S. (George S. Moore in roll of Convention): born 1807, in Delaware; 1836, came to Illinois; farmer near Carthage, Hancock County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Morris, Richard G.: born 1800, in Virginia; 1833, came to Illinois; farmer

near Hutsonville, Crawford County; 1844–1846, 1848–1850, representative in General Assembly; 1847, member of Constitutional Convention; 1853–1855, county judge; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 358, 360; Thompson, *Illinois Whigs before 1846*, p. 145; Perrin, *History of Crawford and Clark Counties*, part 1, 50, 51; Hollingsworth, *A List of the Members*.

Nichols, Jacob M.: born 1806, in North Carolina; 1832, came to Illinois; farmer near Payson, Adams County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Northcott, Benjamin F.: born 1817, in Kentucky; 1839, came to Illinois; farmer near Athens, Menard County; 1847, member of Constitutional Convention; in politics a Whig. Hollingsworth, *A List of the Members*.

Norton, Jesse Olds: born December 25, 1812, at Bennington, Vermont; 1835, graduated from Williams College; 1839, settled at Joliet; taught school in Wheeling, Virginia, and Potosi, Missouri; studied law at Potosi; 1840, admitted to the bar and began the practice of law; (1845) city attorney; 1846–1850, county judge; 1847, member of Constitutional Convention; 1850–1852, representative in General Assembly; 1853–1857, 1863–1865, representative in Congress; 1857–1861, circuit judge; 1866–1869, United States district attorney for the northern district in Chicago; served as corporation council of Chicago; died August 3, 1875, in Chicago; in politics a Whig, thereafter a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 405; *Biographical Encyclopedia of Illinois*, 523–524 *Encyclopedia of Biography of Illinois*, 1:95–96; *Bench and Bar of Chicago*, 460–463; *Blue Book of Illinois*, 1913–1914, pp. 192–193, 215, 362; *Biographical Congressional Directory, 1774–1911*, pp. 893–894. Hollingsworth, *A List of the Members*.

Oliver, John: born 1798, in North Carolina; 1818, came to Illinois; farmer near Vienna, Johnson County; 1834–1836, 1849–1842, representative in General Assembly; 1847, member of Constitutional Convention; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 350, 355; Thompson, *Illinois Whigs before 1846*, p. 146; Hollingsworth, *A List of the Members*.

Pace, George W.: born December 18, 1806 in Kentucky; 1822, came to Jefferson County, Illinois; 1832, served in Black Hawk War; moved to farm near Salem, Marion County; 1847, member of Constitutional Convention; later engaged in furniture business, also a tailor for some time; died June 1, 1867; in politics a Democrat. Wall, *History of Jefferson County*, 120, 241, 244; Brinkerhoff, *History of Marion County*, 236; *Biographical and Reminiscent History of Richland, Clay and Marion Counties*, 43; Hollingsworth, *A List of the Members*.

Palmer, Reverend Henry D.: born April 19, (1791)1782, in Oland County, North Carolina; 1783, taken by parents to Winsborough County, South Carolina; from there in a few years to Wilson County, Tennessee; 1809, ordained as a minister of the Christian (Campbellite) church; collected colony and emigrated to Edwards County, Illinois; 1818, moved to Indiana and founded a church near Carlyle; 1822–1824, represented Sullivan County in Indiana House of Representatives; assisted in formation of first revised code for Indiana; 1835, again emigrated to "Half Moon Prairie," Marshall County, Illinois; 1847, member of Constitutional Convention; oldest member of Convention; 1859, delivered last sermon; removed to Eureka, Woodford County; in politics a Whig.

Chicago Democrat,
August 17, 1847.

Springfield, August 10.

"The business of today and yesterday was opened by prayer by the Reverend H. D. Palmer, a Delegate from the county of Marshall. (Mr. Palmer is a plain, unassuming, honest man, by his acts here manifesting a strong desire to do that which shall be for best interest of State. His age is 66. He has frequently been called upon to serve as chaplain. His language is plain, words few and expressive, manner unassuming, and he is listened to respectfully by all; and to many his sincere, reverential and expressive prayer is more than acceptable.")

"Hack Driver."

State of Indiana Legislative Manual for 1913, pp. 249, 284; Ford, *History of Putnam and Marshall Counties*, 155; Hollingsworth, *A List of the Members*.

Palmer, John McAuley: born September 13, 1817, in Scott County, Kentucky; 1818–1831, resided with parents in Christian County, Kentucky; 1831, came to Madison County, Illinois; 1834, entered Shurtleff College at Upper Alton; December, 1838–March, 1839, taught school and studied law; December, 1839, admitted to the bar and began practice of law at Carlinville; 1843–1847, 1848, probate judge of Macoupin County; 1847, member of Constitutional Convention; 1849–1851, county judge; 1852–1856 state senator; 1856, president of the first Republican State Convention; 1856, delegate to Republican National Convention; 1859 (1858) defeated for Congress; 1860, Republican presidential elector; 1861, member of Washington Peace Conference; May, 1861, commissioned colonel of the Fourteenth Illinois Volunteer Infantry; November, 1861, advanced to rank of brigadier-general; later major-general; September, 1866, resigned from military service; 1867, removed to Springfield; 1869–1873, governor of Illinois; three times unsuccessful Democratic candidate for United States Senate; (1877, 1883),1884, delegate to Democratic National Convention; 1888, unsuccessful candidate for governor; 1891–1897, United States senator; 1896, candidate of National (Gold) Democrats for president; last years spent in writing personal recollections; died September 25, 1900; in politics a Democrat till 1856, a Republican till 1872, thereafter a Democrat. Palmer, *Bench and Bar of Illinois*, 1:429–441; Bateman and Selby, *Historical Encyclopedia of Illinois*, 412; *United States Biographical Dictionary*, Illinois Volume, 7–8; *Biographical Encyclopedia of Illinois*, 56–57; *Encyclopedia of Biography of Illinois*, 2:407–409; *Blue Book of Illinois*, 1913–1914, pp. 138, 201, 361–363; *Biographical Congressional Directory, 1774–1911*, p. 906; Hollingsworth, *A List of the Members*.

Peters, Onslow: born 1805, in Massachusetts; graduate of Brown University; admitted to the bar; 1837, settled at Peoria, Illinois; 1840, one of first vice-presidents of Illinois State Educational Society; 1847, member of Constitutional Convention; first president of Peoria County Educational Society; 1853–1856, judge of the Sixteenth Judicial Circuit; died in office, February 28, 1856, at Washington, D. C.; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 422; Palmer, *Bench and Bar of Illinois*, 1: 306; *Biographical Encyclopedia of Illinois*, 360; *Blue Book of Illinois*, 1913–1914, p. 215; Bateman and Selby,

Historical Encyclopedia of Illinois, Peoria County, 2:115–116, 134–135; Hollingsworth, *A List of the Members*.

Pinckney, Reverend Daniel J.: born 1817, in New York; professor in the Genesee Wesleyan Seminary; 1842, came to Illinois; 1842–1845, 1846–1847, 1850–1855, principal of Rock River Seminary (Mt. Morris); 1842–1858, member of Board of Trustees of Rock River Seminary; 1847, member of Constitutional Convention; 1850–1851, editor of *Mt. Morris Gazette*; 1854–1858, 1864–1866, representative in General Assembly; 1866–1870, state senator; 1876–1877, editor of *Mt. Morris Independent;* last years spent on farm near Mt. Morris; in politics a Whig, later a Republican. *Blue Book of Illinois*, 1913–1914, pp. 364–365, 369–371; Scott, *Newspapers and Periodicals of Illinois*, 252–253; *History of Ogle County*, H. F. Kett and Company, 475–477; Hollingsworth, *A List of the Members*.

Powers, William B.: born 1811, in New Hampshire; 1838, came to Illinois; mechanic at Quincy, Adams County; in politics a Democrat. *History of Adams County*, 399; Hollingsworth, *A List of the Members*.

Pratt, O. C.: born April 24, 1819, in Ontario County, New York; 1837–1839, attended West Point, but resigned in order to complete study of law; 1840, admitted to the bar in New York; 1843, came to Galena, Illinois; lawyer at Galena, Jo Daviess County; 1847, member of Constitutional Convention; 1848, crossed plains to Santa Fe, thence to California in service of government; 1848, became associate justice of Supreme Court of Oregon; United States district judge for Territory of Oregon, later lieutenant-governor of Oregon; 1856, removed to San Francisco and engaged in private practice; 1859, elected judge of Twelfth Judicial District of California; died in Oregon; in politics a Democrat. Palmer, *Bench and Bar of Illinois*, 1:514; *The Works of Hubert Howe Bancroft*, 24:223n.; 30:70, 101n, 102, 159, 162, 164, 167n; Hollingsworth, *A List of the Members*.

Reynolds, Harmon G.: born December 21, 1810, at Moreau, Saratoga County, New York; reared in Berlin, Washington County, Vermont; 1837, admitted to the bar at Montpelier, Vermont; 1837, came to Rock Island, Illinois; taught school in Rock Island and Hampton; 1838, elected magistrate in Hampton; 1839–1847, probate justice; 1844–1846, editor of *Upper Mississippian* of Rock Island County; 1847–1849, postmaster of Rock Island; 1847, assistant secretary of Constitutional Convention; 1849, 1861, assistant clerk of House of Representatives; 1850, removed to Cambridge, Henry County; 1850–1854, state's attorney; 1851, removed to Knoxville; 1853–1857, county judge of Knox County; 1854, appointed postmaster of Knoxville; 1858, removed to Springfield; 1862 (1875) editor of *Masonic Travel;* 1866–1867, editor of *Odd Fellows' Union;* removed to Blue Rapids, Marshall County, Kansas, where he spent remainder of his life; in politics a Democrat. Scott, *Newspapers and Periodicals of Illinois*, 302, 325; *Portrait and Biographical Album of Rock Island County*, 711, 747; Bateman and Selby, *Historical Encyclopedia of Illinois, Rock Island County*, 1:644, 709–710, 712, 735; 2:971; *History of Knox County*, Charles C. Chapman and Company, 456, 464; Power, *History of Springfield*, 85–86; Hollingsworth, *A List of the Members*.

Rives, George W.: born 1815, in Virginia; 1842, came to Illinois; farmer near Paris, Edgar County; 1847, member of Constitutional Convention; 1848–1850,

1870–1872, representative in General Assembly; in politics a Whig, later a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 360, 373; Rummel's *Illinois Hand-Book and Legislative Manual for 1871*, p. 181; Hollingsworth, *A List of the Members*.

Robbins, Ezekiel Wright: born 1803, in New York; 1841, came to Illinois; farmer near Chester, Randolph County; 1844–1846, representative in General Assembly; 1847, member of the Constitutional Convention; county surveyor; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, p. 358; *History of Randolph, Monroe, and Perry Counties*, 124–126; Hollingsworth, *A List of the Members*.

Robinson, Benaiah: born 1797, in North Carolina; 1809, came to Illinois; farmer near Edwardsville, Madison County; 1837–(1849) surveyor of Madison County; 1847, member of Constitutional Convention; removed to Oregon; in politics a Democrat. *History of Madison County*, 149–150, 154, 168, 348; Hollingsworth, *A List of the Members*.

Roman, William W.: born 1806, in Kentucky; 1829, came to Illinois; physician at Lebanon, St. Clair County; master in chancery; 1838–1840, 1856–1858, representative in General Assembly; 1842, defeated for reëlection by Gustave Koerner; 1851, 1854–1862, physician to the poor house; 1857–1861, county clerk; died in office September, 1861; in politics a Democrat till 1842, thereafter a Whig. *Blue Book of Illinois*, 1913–1914, pp. 353, 365; *Memoirs of Gustave Koerner*, 1:464; Bateman and Selby, *Historical Encyclopedia of Illinois, St. Clair County*, 2:690, 695, 834; *History of St. Clair County*, Brink, McDonough and Company, 77–79; Hollingsworth, *A List of the Members*.

Rountree, Hiram: born December 22, 1794, in Rutherford County, North Carolina; brought in infancy to Kentucky; in War of 1812, ensign under General Shelby, first governor of Kentucky; studied law in Bowling Green, Kentucky; 1817, came to Madison County, Illinois; 1817–1821, taught school near Edwardsville; 1819, removed to Vandalia, Fayette County; 1821, removed to Hillsboro, Montgomery County; one of commissioners to organize the county; held the following offices: first clerk of county commissioners court, first clerk of the circuit court, first county recorder, justice of the peace, notary public, master in chancery, judge of probate, and postmaster of Hillsboro; 1826–1832, enrolling and engrossing clerk of the House of Representatives; 1832, captain in Black Hawk War; 1847, member of Constitutional Convention; 1848–1852, state senator; 1852–1869, county judge; died March 4, 1873, at Hillsboro; in politics a Democrat, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 460; Palmer, *Bench and Bar of Illinois*, 2:965–967; *Blue Book of Illinois*, 1913–1914, pp. 346, 348, 360–361; Perrin, *History of Bond and Montgomery Counties*, part 1, pp. 187, 206, 216, 222, 229, 245, 391; Hollingsworth, *A List of the Members*.

Scates, Walter Bennett: born January 18, 1808, in South Boston, Halifax County, Virginia; taken in infancy to a farm near Hopkinsville, Kentucky, where until nineteen years of age, he worked with his father and attended school during the winters; learned printer's trade at Nashville; studied law at Louisville in the office of Charles S. Morehead, later governor of Kentucky; 1831, admitted to the bar and removed to Frankfort, Franklin County, Illinois; county surveyor for a time; April, 1831, April, 1832, April, 1833, October, 1833, April, 1834, October, 1834, State's attorney pro tem; January 18, 1836—December 26, 1836, attorney-

general; lived at Vandalia, then the state capital, during that time; December 26, 1836—February 15, 1841, circuit judge residing at Shawneetown; 1841, removed to Mt. Vernon; February 15, 1841—January 11, 1847, June 6, 1853—June 28, 1857, judge of supreme court; 1855–1857, chief justice; 1847, member of Constitutional Convention, where he served as chairman of the Committee on Judiciary; 1849–1853, engaged in mining and railroad enterprises; 1857, resumed practice of law in Chicago; 1862, volunteered in the army, commissioned major, and assigned to staff of General McClernand; was made assistant adjutant-general, mustered out in January, 1866, and afterwards brevetted lieutenant-colonel, colonel, and brigadier-general; July, 1866—July, 1869, collector of customs and ex officio custodian of United States funds at Chicago; in politics a Democrat; died October 26, 1886, at Evanston. Bateman and Selby, *Historical Encyclopedia of Illinois*, 466–467; *United States Biographical Dictionary*, Illinois Volume, 690–692; Palmer, *Bench and Bar of Illinois*, 1:35–36; *Blue Book of Illinois*, 1913–1914, pp. 142, 210, 214; *Combined History of Randolph, Monroe and Perry Counties*, 180; Hollingsworth, *A List of the Members*.

Servant, Richard B.: born 1803, in Virginia; 1831, emigrated to Randolph County, Illinois; settled at Chester; 1835, first president of Board of Trustees of Chester; 1835–1840, state senator; 1843–1845, receiver of public moneys at land office at Kaskaskia; 1847, member of Constitutional Convention; during periods 1849–1874, served several terms as judge of County Court of Randolph County; 1855–1857, probate judge; in politics a Whig, later a Democrat. *Combined History of Randolph, Monroe and Perry Counties*, 118, 121, 124–126, 286–287, 289, 309; *Blue Book of Illinois* 1913–1914, pp. 349, 351–352; Hollingsworth, *A List of the Members*.

Sharp (Sharpe), Thomas C.: born 1818, in New Jersey; 1834, came to Illinois; lawyer at Warsaw, Hancock County; 1841–1843, 1844–1847, editor of *Warsaw Signal;* 1847, member of Constitutional Convention; 1853–1855, editor of *Warsaw Express;* 1864–1865, editor of *Hancock New Era;* in politics a Democrat (Whig), later a Republican. Scott, *Newspapers and Periodicals of Illinois*, 348–349; Hollingsworth, *A List of the Members*.

Sherman, Francis Cornwall; born September 18, 1805, in Newton, Connecticut; April 7, 1834, arrived in Chicago; engaged principally in brick-making and building; 1835–1836, member of Board of Trustees of Chicago; 1837, one of first aldermen; 1840–1845, county commissioner; 1841, 1862–1865, mayor of Chicago; 1844–1850, representative in General Assembly; 1847, member of Constitutional Convention; 1851–1853, chairman of Board of Supervisors; 1856, 1865–1867, unsuccessful candidate for mayor; 1862, defeated in congressional election; died November 7, 1870; in politics a Democrat. *Biographical Encyclopedia of Illinois*, 423; Currey, *Chicago, Its History and Builders*, 5:148–154; Andreas, *History of Cook County*, 348, 352; Moses, *History of Chicago*, 1:96, 103, 114–116, 133, 137–138; *Blue Book of Illinois*, 1913–1914, pp. 358–359, 361; Hollingsworth, *A List of the Members*.

Shields, William: born 1812, in Tennessee; 1827, came to Illinois; farmer near Paris, Edgar County; 1847, member of Constitutional Convention; 1852–

1854, representative in General Assembly; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, p. 363; Hollingsworth, *A List of the Members*.

Shumway, Dorice Dwight: born September 28, 1813, at Williamsburg, Massachusetts; 1834, went to Zanesville, Ohio; 1837, removed to Montgomery County, Illinois, where he engaged in the mercantile business; June 3, 1841, married daughter of Hiram Rountree; county commissioner of Montgomery County; 1843, removed to farm near Taylorville, Christian County; 1846–1848, representative in General Assembly; 1847, member of Constitutional Convention; 1851–1858, merchant in Taylorville; major of state militia; 1857–1861, county judge of Christian County; 1857–1870, master in chancery; 1860, admitted to the bar and formed law partnership with H. M. Vandeveer; died May 9, 1870; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 480; *Blue Book of Illinois*, 1913–1914, p. 359; *History of Christian County*, 64–65, 68, 116, 124; McBride, *Past and Present of Christian County*, 53, 372–373; Hollingsworth, *A List of the Members*.

Sibley, John: born 1792, in Massachusetts; 1841, came to Illinois; farmer near Richmond, McHenry County; 1847, member of Constitutional Convention; 1853, 1855–1857, county supervisor. *History of McHenry County*, Inter-State Publishing Company, 219, 223; Hollingsworth, *A List of the Members*.

Sim, William: born 1795, in Aberdeen, Scotland; 1817, came to America; (1817) 1818, came to Illinois; first physician to settle at Golconda, Pope County; 1824–1828, representative in General Assembly; 1847, member of Constitutional Convention; died (1858) 1868; in politics a Whig. Bateman and Selby, *Historical Encyclopedia of Illinois*, 480–481; *Biographical Review of Johnson, Massac, Pope and Hardin Counties*, 287–288; *Blue Book of Illinois*, 1913–1914, pp. 345–346; Page, *History of Massac County*, 48, 152–153; Hollingsworth, *A List of the Members*.

Simpson, Lewis J.: born 1793, in Kentucky; 1807, came to Illinois; farmer near Liberty, Highland (now Adams) County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Singleton, James Washington: born November 23, 1811, in Paxton, Virginia; educated at the Winchester Academy; 1829, removed to Indiana; (1830), settled in Schuyler County, Illinois, where he practiced medicine and studied law; 1833, came to Mt. Sterling, Brown County; lawyer and stock-raiser; 1844, elected brigadier-general of the Illinois militia and identified with the "Mormon War"; 1847, 1862, member of Constitutional Convention; 1850–1854, 1860–1862, representative in General Assembly; 1852, removed to Quincy, Adams County; conspicuous leader of peace party during the Civil War; 1868, defeated as candidate for Congress; 1879–1883, representative in Congress; 1882, defeated for reëlection as Independent Democrat; constructed the Quincy and Toledo (now part of the Wabash, and the Quincy, Alton and St. Louis (now part of the Chicago, Burlington & Quincy) railways, president of both companies; died April 4, 1892, at Baltimore, Maryland; in politics a Whig, later a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 481; Palmer, *Bench and Bar of Illinois*, 1:2–3; *Biographical Encyclopedia of Illinois*, 484; *Blue Book of Illinois*, 1913–1914, pp. 195, 362–363, 367; Redmond, *History of Quincy and Its Men of Mark*, 285–287; *Bio-*

graphical Congressional Directory, 1774–1911, p. 999; Hollingsworth, *A List of the Members*.

Smith, Edward O.: born (1817) 1818, in Montgomery County, Maryland; 1837, came to Illinois; mechanic at Decatur, Macon County; 1847, member of Constitutional Convention; 1848–1850, state senator; 1853, removed to California, where he became farmer and trader near San Jose; 1878, member of California Constitutional Convention; in politics a Whig. *Blue Book of Illinois*, 1913–1914, p. 360; *The Works of Hubert Howe Bancroft*, 24:404; Hollingsworth, *A List of the Members*.

Smith, Jacob: born 1812, in Pennsylvania; 1839, came to Illinois; physician at Galatia, Gallatin County; 1847, member of Constitutional Convention; in politics a Democrat. Hollingsworth, *A List of the Members*.

Spencer, John Winchell: born July 25, 1801, at Vergennes, Vermont; 1820, came to St. Louis, but on account of slavery in Missouri removed to Greene County, Illinois; 1820–1827, farmer in Greene County; 1828, removed to Morgan County; 1829, removed to farm near Rock Island; 1831, first lieutenant in Black Hawk War; 1833–1838, county commissioner of Rock Island County; 1841, erected a dam at Moline; 1847, member of Constitutional Convention; 1849–1852, county judge; 1852, became chief proprietor and manager of ferry between Rock Island and Davenport; died February 20, 1878; in politics a Whig. *Biographical Encyclopedia of Illinois*, 295–296; *Portrait and Biographical Album of Rock Island County*, 545–546, 704; Hollingsworth, *A List of the Members*.

Stadden, William: born December 5, 1800, near Newark, Ohio; 1831, came to LaSalle County; millwright by trade; 1834–1836, sheriff of LaSalle County; 1836–1843, state senator; 1847, member of Constitutional Convention; died October 13, 1849; in politics a Whig. *Blue Book of Illinois*, 1913–1914, pp. 351–352, 354; Thompson, *Illinois Whigs before 1846*, p. 136; *History of LaSalle County*, Inter-State Publishing Company, 1:217; 2:101; Baldwin, *History of LaSalle County*, 216, 221, 271–272; Hollingsworth, *A List of the Members*.

Swan, Hurlbut: born, June 9, 1797, in Lime, Connecticut; 1845, came to Lake County, Illinois; farmer in Fremont Township, near Libertyville; 1847, member of Constitutional Convention; 1850–1852, 1859–1860, 1868, county supervisor, 1868, chairman; 1850–1852, 1854–1856, representative in General Assembly; 1861, township assessor; died May 15, 1876; in politics a Whig till 1850, then became a Free Soiler, later a Republican. Halsey, *History of Lake County*, 38, 93, 110, 117, 121–122, 135, 436–438, 441, 603–604, 809, 822; *Blue Book of Illinois*, 1913–1914, pp. 362, 364; Hollingsworth, *A List of the Members*.

Thomas, William: born November 22, 1802, in Warren (now Allen) County, Kentucky; 1820–1822, deputy sheriff of Allen County; studied law at Bowling Green in office of James T. Morehead, afterward governor of Kentucky; 1823, admitted to the bar; 1823–1826, practiced law in Bowling Green; 1826, removed to Jacksonville, Illinois; taught school; 1827, private in Winnebago War; 1828–1829, reporter for *Vandalia Intelligencer;* 1828–1829, state's attorney for Fifth Judicial Circuit; 1831–1832, quartermaster and commissary in Black Hawk War; 1831–1835, school commissioner of Morgan County; 1834–1839, state senator; 1839–1841, circuit judge; 1846–1848, 1850–1852, representative in General Assem-

bly; 1839–1869, trustee of the Institution for the Deaf and Dumb at Jacksonville; 1847, one of first trustees of the Hospital for the Insane at Jacksonville; 1847, member of Constitutional Convention; 1861, member of Board of Army Auditors; 1869, appointed by Governor Palmer a member of State Board of Public Charities, but resigned because of poor health; died, August 22, 1889, at Jacksonville; in politics a Whig, later a Republican; interested in the state institutions at Jacksonville, also in education; taught school after his removal to Illinois, and was one of founders and supporters of Illinois Female College. Bateman and Selby, *Historical Encyclopedia of Illinois*, 522; Palmer, *Bench and Bar of Illinois*, 1:337; 2:1095; *United States Biographical Dictionary*, Illinois Volume, 827–830; *Blue Book of Illinois*, 1913–1914, pp. 213, 259, 261, 349, 351–352; Eames, *Historic Morgan and Classic Jacksonville*, 123, 127, 243, 323–326; Hollingsworth, *A List of the Members*.

Thompson, William W.: born February 23, 1786, at Brimfield, Massachusetts; 1826, removed to Northampton, Massachusetts; member of Massachusetts legislature; 1839, moved to Peoria County, Illinois; 1842–1846, state senator; 1844, prominent in educational convention at Peoria; 1847, member of Constitutional Convention; died February 24, 1850, at Brimfield, Peoria County; a farmer; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois, Peoria County*, 2:469; *Blue Book of Illinois*, 1913-1914, pp. 355, 357; Hollingsworth, *A List of the Members*.

Thornton, Anthony: born November 9, 1814 (1817), near Paris, Bourbon County, Kentucky; 1831–1833, attended high school at Gallatin, Tennessee, and Center College, Danville, Kentucky; 1834, graduated from Miami University, Ohio; 1836, admitted to the bar; 1836 (1838), settled at Shelbyville, Illinois, where he began practice of law; 1847, 1862, member of Constitutional Convention; 1850–1852, representative in the General Assembly; 1865–1867, representative in Congress; 1870–1873, judge of Supreme Court of Illinois; 1873, first president of State Bar Association; 1879, removed to Decatur; 1881, returned to Shelbyville; died September 10, 1904; in politics a Whig, then a Democrat; (later a Republican). Bateman and Selby, *Historical Encyclopedia of Illinois*, 522; Palmer, *Bench and Bar of Illinois*, 1: 458–459; *Biographical Congressional Directory, 1774–1911*, p. 1055; *Blue Book of Illinois*, 1913–1914, pp. 193, 210, 362; Bateman and Selby, *Historical Encyclopedia of Illinois, Shelby County*, 2:686, 689, 729–730, 775; Hollingsworth, *A List of the Members*.

Trower, Thomas B.: born November 15, 1806 (1809), in Albemarle County, Virginia; taken in infancy to Kentucky; (1826–1829), studied medicine and taught school; 1830, removed to Shelbyville, Illinois; 1830–1836, engaged in practice of medicine at Shelbyville; 1836, removed to Charleston, Coles County, 1834–1836, representative in General Assembly; 1839, resumed practice of medicine at Charleston; 1847, member of Constitutional Convention; president of Moultrie County Bank; vice-president of First National Bank of Charleston; in politics a Democrat. *Biographical Encyclopedia of Illinois*, 483–484; *Blue Book of Illinois*, 1913–1914, p. 350; Hollingsworth, *A List of the Members*.

Turnbull, Gilbert: born 1800, in Tennessee; 1832, came to Warren County, Illinois; later a farmer near Oquawka, Henderson County; 1834, school trustee; 1836, justice of the peace; 1837, school teacher; 1836–1843, county treasurer and

assessor of Warren County; 1847, member of Constitutional Convention; 1848–1850, representative in General Assembly; in politics a Whig. *Blue Book of Illinois*, 1913–1914, p. 360; Bateman and Selby, *Historical Encyclopedia of Illinois, Warren County*, 2:738, 753; *Portrait and Biographical Album of Warren County*, Chapman Brothers, 708; Hollingsworth, *A List of the Members*.

Turner, Oaks: born 1809, in Maine; 1834, came to Illinois; 1834–1848, county clerk of Putnam County; 1838–1847, circuit clerk; 1839–1847, county recorder; 1847, member of Constitutional Convention; 1848–1849, 1855–1859, county treasurer; in politics a Whig. Ford, *History of Putnam and Marshall Counties*, 148; Hollingsworth, *A List of the Members*.

Tutt, William: born 1811, in Virginia; physician; 1830, came to York, Clark County, Illinois; practiced medicine; 1838, removed to Marshall; 1847, member of Constitutional Convention; in politics a Democrat. Perrin, *History of Crawford and Clark Counties*, part 2, pp. 294, 303, 344. Hollingsworth, *A List of the Members*.

Tuttle, James: born 1806, in Ohio; 1840, came to Illinois; farmer near Waynesville, DeWitt County; 1847, member of Constitutional Convention; in politics a Whig. Hollingsworth, *A List of the Members*.

Vance, John W.: born 1782 in Germany; in (1822) emigrated to the United States; brother of Governor Joseph Vance of Ohio; 1823, came from Ohio to Danville, Vermilion County, Illinois; 1823 (1824), leased and developed salt works; very prominent in affairs of county at an early day; 1832–1838, state senator; 1847, member of Constitutional Convention; died 1856 (1857); in politics a Whig. *Blue Book of Illinois*, 1913–1914, pp. 348–349, 351; Jones, *History of Vermilion County*, 1:137, 405; 2:113; Beckwith, *History of Vermilion County*, 970–971; Hollingsworth, *A List of the Members*.

Vernor, Zenas H.: born 1808, in North Carolina; 1829, came to Illinois; farmer near Nashville, Washington County; 1847, member of Constitutional Convention; 1848–1850, representative in General Assembly; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, p. 360; Hollingsworth, *A List of the Members*.

Wead, Hezekiah Morse: born June 1, 1810, in Sheldon, Franklin County, Vermont; attended winter term of village school until seventeen years old; for six months attended academy at Castleton, Vermont; clerk for merchant in West Rutland, Vermont; worked passage on canalboat to Pittsford, New York, where he taught school and began study of law; 1832, admitted to the bar; taught school in Akron, Ohio; 1836–1837, practiced law in Vermont in partnership with General Seth Cushman; 1837–1840, taught school in New Jersey; 1840, came to Lewistown, Fulton County, Illinois; 1845, aided in preparation of memorial to General Assembly on common-school education; 1847, member of Constitutional Convention; 1852–1855, circuit judge of Tenth Circuit; 1855, removed to Peoria, where he had successful career as a lawyer; 1861, moved to farm near Peoria; died May 10, 1876; in politics a Democrat; allied himself with Anti-Repudiationists; opposed secession and supported government in war, but continued allegiance to Democratic party. Palmer, *Bench and Bar of Illinois*, 1:4, 310, 315–320; *Blue Book of Illinois*, 1913–1914, p. 215; *History of Fulton County*, Charles C. Chapman and Company, 406;

Bateman and Selby, *Historical Encyclopedia of Illinois, Peoria County*, 2: 635; Rice, *History of Peoria*, 2:171–172; Hollingsworth, *A List of the Members*.

Webber, Thomson (Thompson) R.: born October 6, 1807, in Shelby County, Kentucky; 1824–1832, taught school; 1832, came to Illinois; 1834–1837, engaged in mercantile business in Urbana; first postmaster in Urbana, appointed by Jackson, served for fifteen years; 1833–1853, clerk of county court; 1833–1846, clerk of circuit court; 1834–1874, master in chancery; 1847, 1862, member of Constitutional Convention; close friend of Lincoln and David Davis; died December 14, 1881; in politics a Democrat. *Biographical Encyclopedia of Illinois*, 110–111; Bateman and Selby, *Historical Encyclopedia of Illinois, Champaign County*, 2:669, 736, 764, 1050; *Portrait and Biographical Album of Champaign County*, Chapman Brothers, 946; *History of Champaign County*, Brink, McDonough and Company, 31, 33, 108; Hollingsworth, *A List of the Members*.

West, Edward M.: born May 2, 1814, in Botetourt County, Virginia; 1818, brought to Illinois; 1829–1831, clerk in recorder's office and deputy postmaster at Springfield; 1833–1835, clerk in United States land office at Edwardsville; 1835–(1854) 1867, engaged in mercantile business at Edwardsville; 1839–1845, county treasurer; 1845–1851, county school commissioner; captain in Illinois National Guard; 1861, member of committee to manage war fund; 1847, member of Constitutional Convention; (1858) 1867–1887, engaged in banking; active and prominent member of Methodist church; died October 31, 1887, in politics a Whig, later a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 583; *History of Madison County*, 150, 152–154, 168, 170, 172, 180, 338, 356–357, 556; Hollingsworth, *A List of the Members*.

Whiteside, John Davis: born 1794 (1795) (1798), at Whiteside Station, Monroe County, Illinois; farmer; 1824–1828, county commissioner; 1825–1828, clerk of Circuit Court; 1830–1836, 1844–1846, representative in General Assembly; 1836, presidential elector; 1836–1837, state senator; March 4, 1837–March 6, 1841, state treasurer; 1842, second to General Shields in Lincoln–Shields duel; appointed by President Polk as commissioner to confer with British government regarding Illinois bonds; 1846, adjutant-general, organizing and training volunteers in Mexican War; 1847, member of Constitutional Convention; died 1850, at place of birth; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 139, 586; Greene and Thompson, *Governors' Letter-Books*, 1840–1853, p. 126n; *Blue Book of Illinois*, 1913–1914, pp. 141, 201, 348–351, 358; *Combined History of Randolph, Monroe and Perry Counties*, 160–161, 449; Hollingsworth, *A List of the Members*.

Whitney, Daniel Hilton: born 1808, in New York; 1834, came to Illinois; physician at Belvidere, Boone County; 1836, first census enumerator of Winnebago County; 1836–1837, recorder of Winnebago County; 1840, favored Wisconsin's annexation of disputed territory; 1847, member of Constitutional Convention; died February 17, (1862), 1864, at Belvidere; in politics a Whig. History of Winnebago County, H. F. Kett and Company, 239–240, 244–245, 391–392, 404; Church, *History of Rockford and Winnebago County*, 53–54, 75–76, 163, 202, 264; Hollingsworth, *A List of the Members*.

Williams, Archibald: born June 10, 1801, in Montgomery County, Kentucky; 1828, admitted to the bar in Tennessee; 1829, removed to Quincy, Illinois; 1832–1836, state senator; 1837–1840, representative in General Assembly; 1847, member of Constitutional Convention; 1849–1853, United States district attorney for the Southern District of Illinois; twice nominated by Whigs for United States Senate; 1854, defeated as candidate for Congress; because of advanced age, declined seat on United States Supreme Bench; 1861, appointed United States district judge for Kansas; died September 21, 1863, at Quincy; in politics a Whig, later a Republican. Bateman and Selby, *Historical Encyclopedia of Illinois*, 590; Palmer, *Bench and Bar of Illinois*, 1:2, 182–183; 2: 880; *Blue Book of Illinois*, 1913-1914, pp. 348–349, 352–353; *History of Adams County*, 415, 421; Thompson, *Illinois Whigs before 1846*, p. 149; Hollingsworth, *A List of the Members*.

Wilson, John A.: born 1819; 1820, brought to Shawneetown, Illinois; 1840, removed to McLeansboro, for three terms sheriff of Hamilton County; 1846–1848, doorkeeper of the House; 1847, doorkeeper pro tem and sergeant-at-arms of Constitutional Convention; 1852–1854, 1856–1858, representative in General Assembly; died in 1861; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 359, 363, 365; *History of Gallatin, Saline, Hamilton, Franklin, and Williamson Counties*, 260–261, 302, 753; Hollingsworth, *A List of the Members*.

Witt, Franklin: born 1804, in Tennessee; 1814, brought to Pope County, Illinois; 1826, settled in Cass County; 1827, removed to farm near Kane, Greene County; justice of the peace; 1836–1838, representative in General Assembly; 1838–1842, 1848–1851, state senator; 1847, member of Constitutional Convention; died 1851; in politics a Democrat. *Blue Book of Illinois*, 1913–1914, pp. 352, 354, 360–361; *History of Greene County*, 765–766; *History of Greene and Jersey Counties*, 672, 789; Miner, *Past and Present of Greene County*, 308; Hollingsworth, *A List of the Members*.

Woodruff, Ralph: born 1806, in New York; 1834, came to Illinois; farmer near Ottawa; March–August, 1839, county commissioner of LaSalle County; 1839, one of commissioners to locate county seat of DuPage County; 1842, assessor; 1847, assistant doorkeeper of Constitutional Convention; died 1850; in politics a Democrat. Baldwin, *History of LaSalle County*, 215, 217, 233; *History of LaSalle County*, Inter-State Publishing Company, 1:216; Bateman and Selby, *Historical Encyclopedia of Illinois, DuPage County*, 2:640; Hollingsworth, *A List of the Members*.

Woodson, David Meade: born May 18, 1806, in Jessamine County, Kentucky; educated in private schools and at Transylvania University, and read law with his father; 1832, member of Kentucky legislature; 1834, removed to Carrollton, Greene County, Illinois; 1835, returned to Transylvania University and graduated with honor; 1837–1839, county judge; 1839–1840, state's attorney; 1843, Whig candidate for Congress against Stephen A. Douglas; 1847, 1869–1870, member of Constitutional Convention; November 1, 1848—December 4, 1848, judge of the Supreme Court of Illinois; 1848, judge of the First Judicial Circuit; died 1877; in politics a Whig, later a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 599; Palmer, *Bench and Bar of Illinois*, 1:4; 2:1095–1096; *Blue Book of Illinois*, 1913–1914, pp. 210, 214, 355, 371; *History of Greene*

and Jersey Counties, 601–502; Miner, *Past and Present of Greene County*, 61, 338–342; Hollingsworth, *A List of the Members*.

Worcester, Linus E.: born December 5, 1811, in Windsor, Vermont; educated in common schools of his native state, and at Chester Academy; 1836, came to White Hall, Greene County, Illinois; 1836–1839, taught school; engaged successively in dry-goods, drug, farm implements, and lumber business; 1843–1848, justice of the peace; 1843–1855, postmaster of White Hall; 1847, member of Constitutional Convention; 1852–(1885), township school trustee; 1853–1859, associate county justice, 1856–1858, 1862–1866, state senator; 1859–1871, trustee of the Institution for the Deaf and Dumb at Jacksonville; 1860–1891, one of the directors of the Jacksonville branch of the Chicago and Alton Railroad; 1873–1882, county judge; 1876, delegate to Democratic National Convention; died October 19th, 1891; in politics a Democrat. Bateman and Selby, *Historical Encyclopedia of Illinois*, 599–600; *Blue Book of Illinois*, 1913–1914, pp. 364, 367–368; Miner, *Past and Present of Greene County*, 60, 62–63, 266–267; *History of Greene and Jersey Counties*, 591–592, 655–657, 660–661, 674–676, 685, 691, 1101; Hollingsworth, *A List of the Members*.

BIBLIOGRAPHY

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I

State Publications and Documents

Blue Book of the State of Illinois, 1913–1914. Compiled and published by Harry Woods, secretary of state (Danville, 1914).

California Blue Book or State Roster, 1911. Compiled by Frank C. Jordan, secretary of state . . . . (Sacramento, 1913).

Illinois Hand-Book of Information for the Year 1870, giving a general view of the State of Illinois and its government . . . . Compiled by Edward Rummel, secretary of state (Springfield, 1870).

James, Edmund J. (ed.), *The Territorial Records of Illinois* (Springfield, 1901) [Illinois State Historical Library, *Publications*, number 3].

Journal of the Convention, Assembled at Springfield, June 7, 1847, in Pursuance of an Act of the General Assembly of the State of Illinois . . . . for the Purpose of Altering, Amending, or Revising the Constitution of the State of Illinois (Springfield, 1847).

Journal of the House of Representatives of the Fifteenth General Assembly of the State of Illinois . . . . 1846–1847 (Springfield, 1846).

Journal of the Senate of the Fifteenth General Assembly of the State of Illinois . . . . 1846–1847 (Springfield, 1846).

Laws of the State of Illinois . . . . 1846–1847 (Springfield, 1847).

Rummel, Edward, *Rummel's Illinois Hand-Book and Legislative Manual for 1871* . . . . (Springfield, 1871).

State of Indiana Legislative Manual for 1913. . . . Compiled. . . . by Demarchus C. Brown, state librarian (Indianapolis, 1913).

Verlie, Emil J. (ed.), *Illinois Constitutions* (Springfield, 1919). [*Collections of the Illinois State Historical Library*, volume 13].

II

Newspapers

Alton Telegraph and Democratic Review, 1847–1848, Alton.

Aurora Beacon, 1847–1848, Aurora.

Beardstown Gazette, 1847, Beardstown.

Belleville Advocate, 1847–1848, Belleville.

Chicago Daily Journal, 1847–1848, Chicago.

Chicago Democrat, 1846–1848, Chicago.

Illinois State Register, 1847–1848, Springfield.

Prairie Farmer, 1847–1848, Chicago.

Quincy Whig, 1848, Quincy.

Sangamo Journal, 1847, Springfield. September 23, 1847, the name became *Illinois Journal.*
State Register, Tri-weekly, 1847–1848, Springfield.
Western Citizen, 1846–1848, Chicago.

III

Biographical Works

Bench and Bar of Chicago, Biographical Sketches, American Biographical Publishing Company (Chicago, n.d.).
Biographical Congressional Directory, with an outline history of the national congress, 1774–1911 . . . . Government Printing Office (Washington, 1913).
Biographical Encyclopedia of Illinois of the Nineteenth Century, Galaxy Publishing Company (Philadelphia, 1875).
Caton, John D., *Early Bench and Bar of Illinois* . . . . (Chicago, 1893).
Encyclopedia of Biography of Illinois, The Century Publishing and Engraving Company, 2 volumes (Chicago, 1892).
French Manuscripts, letters to Augustus C. French in McKendree College Library, Lebanon, Illinois.
Koerner, Gustave Phillip, *Memoirs of Gustave Koerner, 1809–1896, life-sketches written at the suggestion of his children.* Edited by Thomas J. McCormack . . . . (Cedar Rapids, 1909).
Lincoln, Abraham, *The Writings of Abraham Lincoln*, federal edition. Edited by Arthur B. Lapsley, 8 volumes (New York, 1905–1906).
Nicolay, John G., and John Hay, *Abraham Lincoln, a History*, 10 volumes (New York, 1890).
Nicolay, John G., and John Hay (ed.), *Abraham Lincoln, Complete works, comprising his speeches, letters, state papers, and miscellaneous writings*, 2 volumes (New York, 1894).
Palmer, John M., *Personal Recollections of John M. Palmer, The story of an earnest life* (Cincinnati, 1901).
Palmer, John M., (ed.), *The Bench and Bar of Illinois, historical and reminiscent*, 2 volumes (Chicago, 1899).
Peck, John M., *Forty Years of Pioneer Life, Memoir of John Mason Peck* . . . . Edited from his journals and correspondence by Rufus Babcock (Philadelphia, 1864).
Reynolds, John, *My Own Times: Embracing also the History of my Life* . . . . (Chicago 1879).
Sturtevant, Julian M., *Julian M. Sturtevant: An Autobiography*, edited by J. M. Sturtevant, Jr. (New York, 1896).
United States Biographical Dictionary and Portrait Gallery of Eminent and Self-made Men, Illinois Volume, American Biographical Publishing Company (Chicago 1883).
White, Horace, *The Life of Lyman Trumbull* (Boston and New York, 1913).

IV

Special Works

Anthony, Elliott, *The Constitutional History of Illinois* (Chicago, 1891).

Bancroft, Hubert Howe, *The Works of Hubert Howe Bancroft*, volume 24, 39 volumes (San Francisco, 1883–1890) [*History of California*, volume 7].

Cole, Arthur C., *The Era of the Civil War* (Springfield, 1919). [*Centennial History of Illinois*, volume 3].

Cook, John Williston, *Educational History of Illinois; growth and progress in educational affairs of the state from the earliest day to the present* (Chicago, 1912).

Davidson, Alexander, and Bernard Stuvé, *A Complete History of Illinois from 1673 to 1884* . . . . (Springfield, 1884).

Debel, Niels H., *The Veto Power of the Governor of Illinois* (Urbana, 1917) [*University of Illinois Studies in the Social Sciences*, volume 6].

Dowrie, George W., *The Development of Banking in Illinois, 1817–1863* (Urbana, 1913) [*University of Illinois Studies in the Social Sciences*, volume 2].

Ford, Thomas, *A History of Illinois from its commencement as a State in 1818 to 1847, containing a full account of the Black Hawk War, the rise, progress and fall of Mormonism, the Alton and Lovejoy riots, and other . . . . events* (Chicago, 1854).

Greene, Evarts B., and Clarence W. Alvord (ed.), *Governors' Letter-Books* 1818–1834 (Springfield, 1909) [*Collections of the Illinois State Historical Library*, volume 4].

Greene, Evarts B., and Charles M. Thompson, *Governors' Letter-Books*, 1840–1853 (Springfield, 1911) [*Collections of the Illinois State Historical Library*, volume 7].

Greene, Evarts B., *The Government of Illinois, its history and administration* . . . . (New York, 1904).

Harris, Norman D., *History of Negro Slavery in Illinois and of the Slavery Agitation in that State* (Chicago, 1906).

Moses, John, *Illinois, Historical and Statistical, comprising the essential facts of its growth as a Province, County, Territory and State*, 2 volumes (Chicago, 1880).

Pease, Theodore C., *The Frontier State* (Springfield, 1918) [*Centennial History of Illinois*, volume 2].

Powell, Burt E., *The Movement for Industrial Education and the Establishment of the University*, 1840–1870 (Urbana, 1918) [*Semi-Centennial History of the University of Illinois*, volume 1].

Scott, Franklin W., *Newspapers and Periodicals of Illinois, 1814–1879* (Springfield, 1910) [*Collections of the Illinois State Historical Library*, volume 6].

Stevenson, Adlai E., "The Constitutional Conventions and the Constitutions of Illinois," Illinois State Historical Society, *Transactions*, 1903 (Springfield, 1904).

Thompson, Charles M., *The Illinois Whigs Before 1846* (Urbana, 1915) [*University of Illinois Studies in the Social Sciences*, volume 4].

V

Local and County Histories

Andreas, A. T., *History of Chicago from the earliest Period to the present Time*, 3 volumes (Chicago, 1884–1886).

Andreas, A. T., *History of Cook County, Illinois, from the earliest Period to the present Time* (Chicago, 1884).

Baldwin, Elmer, *History of LaSalle County, Illinois, its topography, geology, botany, natural history . . . . and a sketch of the pioneer settlers of each town to 1840, with an appendix, giving the present status of the county . . . .* (Chicago, 1877).

Bateman, Newton, and Paul Selby (ed.), *Historical Encyclopedia of Illinois . . . .* (Chicago, 1900). Following the publication of the Encyclopedia as a single volume, it was reissued in combination with histories of various counties, sometimes in a single enlarged volume, more frequently in sets of two volumes of which the Encyclopedia constitutes the first, the county history the second. The following histories of this series have been used in the preparation of this volume:

History of Carroll County, Edited by Charles L. Hostetler [volume 2] (Chicago, 1913).

History of Cass County, Edited by Charles A. E. Martin [volume 2] (Chicago, 1915).

History of Champaign County, Edited by Joseph O. Cunningham [volume 2] (Chicago, 1905).

History of DuPage County . . . . by special authors and contributors [volume 2] (Chicago, 1914).

Historical Encyclopedia; History of Fulton County. Edited by Jesse Heylin Chicago, 1908).

Illinois, Historical; Lawrence County, Biographical. Edited by John William McCleave (Chicago, 1910).

Historical Encyclopedia; History of Kane County. Edited by John S. Wilcox (Chicago, 1904).

History of Kendall County . . . . by special authors and contributors [volume 2] (Chicago, 1914).

Historical Encyclopedia; History of Knox County, Edited by W. Selden Gale and George Candee Gale (Chicago, 1899).

Historical Encyclopedia; History of Lake County. Edited by Charles A. Partridge (Chicago, 1902).

Historical Encyclopedia; History of Lee County. Edited by A. C. Bardwell (Chicago, 1904).

Historical Encyclopedia; History of McDonough County. Edited by Alexander McLean (Chicago, 1907).

History of McLean County. Edited by Ezra M. Prince and John H. Burnham [volume 2] (Chicago, 1908).

History of Peoria County. Edited by David McCulloch [volume 2] (Chicago and Peoria, 1902).

History of Rock Island County . . . . by special authors and contributors [volume 2] (Chicago, 1914).

History of St. Clair County. Edited by A. S. Wilderman and A. A. Wilderman [volume 2] (Chicago, 1907).

History of Sangamon County.—Edited by Paul Selby [volume 2] (Chicago, 1912).

Historical Encyclopedia; History of Schuyler County. Edited by Howard F. Dyson (Chicago, 1908).

History of Shelby County. Edited by George D. Chafee [volume 2] (Chicago, 1910).

History of Tazewell County. Edited by Ben C. Allensworth [volume 2] (Chicago, 1905).

History of Warren County. Edited by Hugh R. Moffet and Thomas H. Rogers [volume 2] (Chicago, 1903).

Beckwith, Hiram W., *History of Vermilion County, together with historic notes on the Northwest, gleaned from early authors, old maps and manuscripts, private and official correspondence* . . . . (Chicago, 1879).

Bent, Charles (ed.), *History of Whiteside County, Illinois* . . . . *with numerous biographical and family sketches* (Morrison, 1877).

Biographical and Genealogical Record of LaSalle County, Illinois, The Lewis Publishing Company, 2 volumes (Chicago, 1900).

Biographical and Reminiscent History of Richland, Clay and Marion Counties, Illinois, B. F. Bowen and Company (Indianapolis, 1909).

Biographical Review of Johnson, Massac, Pope and Hardin Counties, Illinois, containing biographical sketches of prominent citizens . . . . . Biographical Publishing Company (Chicago, 1893).

Brinkerhoff, J. H. G., *Brinkerhoff's History of Marion County, Illinois* (Indianapolis, 1909).

Church, Charles A., *History of Rockford and Winnebago County, Illinois, from the first settlement in 1834 to the Civil War* (Rockford, 1900).

Clarke, S. J., *History of McDonough County, Illinois, its cities, towns and villages, with early reminiscences, personal incidents* . . . . (Springfield, 1878).

Combined History of Edwards, Lawrence and Wabash Counties, Illinois, with illustrations descriptive of their scenery and biographical sketches of some of their prominent men and pioneers. J. L. McDonough and Company (Edwardsville, 1883).

Combined History of Randolph, Monroe and Perry Counties, Illinois, with illustrations descriptive of their scenery and biographical sketches of some of their prominent men and pioneers. J. L. McDonough and Company (Edwardsville, 1883).

Commemorative Biographical and Historical Record of Kane County, Illinois, containing full page portraits and biographical sketches of prominent citizens, together with portraits and biographies of the governors of Illinois . . . Beers, Leggett and Company (Chicago, 1888).

Cooper, Marshal M., *History of Jerseyville, Illinois, 1822 to 1901* (Jerseyville, 1901).

Counties of Cumberland, Jasper and Richland, Illinois, Historical and Biographical, F. A. Battey and Company (Chicago, 1884).

Currey, J. Seymour, *Chicago: Its History and Its Builders, a Century of Marvelous Growth*, 5 volumes (Chicago, 1912).

Duis, E., *The Good Old Times, McLean County, Illinois, containing two hundred and sixty-one sketches of old settlers* . . . . (Bloomington, 1874).

Eames, Charles M., *Historic Morgan and Classic Jacksonville.* Compiled . . . . by Charles M. Eames . . . . with introduction by Prof. Harvey W. Milligan (Jacksonville, 1885).

Erwin, Milo, *History of Williamson County, Illinois, from the earliest times, down to the present, with an accurate account of the secession movement* . . . . (Marion, 1876).

Ford, Henry A., *History of Putnam and Marshall Counties; embracing an account of the settlement, early progress and formation of Bureau and Stark Counties; with an appendix, containing notices of old settlers* . . . . (Lacon, 1860).

Goodspeed, Weston, and Daniel Healy (ed.), *History of Cook County, Illinois* . . . . *a general survey of Cook County history, including a condensed history of Chicago and special account of districts outside the city limits* . . . . 20 volumes (Chicago, 1909).

Gross, Lewis M., *Past and Present of DeKalb County, Illinois*, 2 volumes (Chicago 1907).

Halsey, John J. (ed.), *A History of Lake County, Illinois*, (Chicago, 1912).

History of Adams County, Illinois, containing a history of the county, its cities, towns . . . . *a biographical directory of its citizens* . . . . *general and local statistics, portraits of early settlers and prominent men* . . . . Murray, Williamson and Phelps (Chicago, 1879).

History of Carroll County, Illinois, containing a history of the county, its cities, towns . . . . *a biographical directory of its citizens, war record of its volunteers in the late rebellion* . . . . H. F. Kett and Company (Chicago, 1878).

History of Champaign County, Illinois, with illustrations descriptive of its scenery, and biographical sketches of some of its prominent men and pioneers, Brink, McDonough and Company (Edwardsville, 1878).

History of Christian County, Illinois, with illustrations descriptive of its scenery, and biographical sketches of some of its prominent men and pioneers. Brink, McDonough and Company (Edwardsville, 1880).

History of DeWitt County, Illinois, with biographical sketches of prominent . . . . *citizens of the county.* Pioneer Publishing Company (Chicago, 1910).

History of Fulton County, Illinois; together with sketches of its cities . . . . *educational, religious, civil, military, and political history, portraits* . . . . *and biographies of representative citizens* . . . . Charles C. Chapman and Company (Peoria, 1879).

History of Gallatin, Saline, Hamilton, Franklin and Williamson Counties, Illinois, from the earliest time to the present; together with . . . . *biographical sketches* . . . . The Goodspeed Publishing Company (Chicago, 1887).

History of Greene County, Illinois . . . . *containing a history of the county; its cities* . . . . *a biographical directory of its citizens* . . . . *portraits of its early settlers and prominent men* . . . . Donnelley, Gassette and Loyd, Publishers (Chicago, 1879).

History of Greene and Jersey Counties, Illinois, together with sketches of the towns . . . . educational, civil, military and political history; portraits . . . . and biographies of representative men . . . . Continental Historical Company (Springfield, 1885).

History of Jackson County, Illinois, with illustrations descriptive of its scenery, and biographical sketches of some of its prominent men and pioneers. Brink, McDonough and Company (Edwardsville, 1878).

History of Knox County, Illinois; together with sketches of the cities . . . . record of its volunteers in the late war, educational, religious, civil and military history . . . . and biographical sketches . . . . Charles C. Chapman and Company (Chicago, 1878).

History of La Salle County, Illinois, together with sketches of its cities . . . . educational, religious, civil, military and political history . . . . Inter-State Publishing Company, 2 volumes (Chicago, 1886).

History of McHenry County, Illinois, together with sketches of its cities . . . . educational, religious, civil, military, and political history, portraits . . . . and biographies of representative citizens . . . . Inter-State Publishing Company (Chicago, 1885).

History of Madison County, Illinois, with biographical sketches of many prominent men and pioneers, W. R. Brink and Company (Edwardsville, 1882).

History of Marion and Clinton Counties, Illinois, with illustrations descriptive of the scenery, and biographical sketches of some of the prominent men and pioneers, Brink, McDonough and Company (Edwardsville, 1881).

History of Menard and Mason Counties, Illinois, containing a history of the counties . . . . portraits of early settlers and prominent men . . . . O. L. Baskin and Company, Historical Publishers (Chicago, 1879).

History of Morgan County, Illinois . . . . containing a history of the county . . . . a biographical directory of its citizens . . . . portraits of its early settlers and prominent men . . . . Donnelley, Loyd and Company (Chicago, 1878).

History of Ogle County, Illinois, containing a history of the county, its cities . . . . a biographical directory of its citizens . . . . portraits of early settlers and prominent men . . . . H. F. Kett and Company (Chicago, 1878).

History of Pike County, Illinois; together with sketches of its cities . . . . educational, religious, civil, military, and political history . . . . Charles C. Chapman and Company (Chicago, 1880).

History of St. Clair County, Illinois, with illustrations of its scenery, and biographical sketches of some of its prominent men and pioneers, Brink, McDonough and Company (Edwardsville, 1881).

History of Sangamon County, Illinois; together with sketches of its cities . . . . educational, religious, civil, military, and political history; portraits . . . . and biographies of representative citizens . . . . Inter-State Publishing Company (Chicago, 1881).

History of Wayne and Clay Counties, Illinois, Globe Publishing Company, Historical Publishers (Chicago, 1884).

History of Winnebago County, Illinois . . . . containing a history of the county . . . . a biographical directory of its citizens . . . . portraits of early settlers and prominent men . . . . H. F. Kett and Company (Chicago, 1877).

Jones, Lottie E., *History of Vermilion County, Illinois, a tale of its evolution, settlement and progress . . . .* 2 volumes (Chicago, 1911).

McBride, J. C., *Past and Present of Christian County, Illinois . . . .* (Chicago, 1904).

Massie, M. D., *Past and Present of Pike County, Illinois, together with biographical sketches of many of its prominent . . . . citizens and illustrious dead* (Chicago, 1906).

Matson, Nehemiah, *Map of Bureau County, Illinois, with sketches of its early settlement* (Chicago, 1867).

Miner, Edwards, *Past and Present of Greene County, Illinois* (Chicago, 1905).

Moore, Roy L., *History of Woodford County, a concise history of the settlement and growth of Woodford County* (Eureka, 1910).

Moses, John, and Joseph Kirkland, *History of Chicago, Illinois*, 2 volumes (Chicago, 1895).

Page, O. J., *History of Massac County, Illinois, with life sketches and portraits* (n.p., n.d.)

Past and Present of Kane County, Illinois, containing a history of the county . . . . a directory of its citizens . . . . portraits of early settlers and prominent men . . . . William LeBaron, Jr., and Company (Chicago, 1878).

Perrin, William H., (ed.), *History of Bond and Montgomery Counties, Illinois* (Chicago, 1882).

Perrin, William H., (ed.), *History of Cass County, Illinois* (Chicago, 1882).

Perrin, William H., (ed.), *History of Crawford and Clark Counties, Illinois* (Chicago, 1883).

Portrait and Biographical Album of Champaign County, Illinois, containing . . . . portraits and biographical sketches of prominent . . . . citizens . . . . together with portraits and biographies of all the governors of Illinois . . . . Chapman Brothers (Chicago, 1887).

Portrait and Biographical Album of DeKalb County, Illinois, containing . . . . portraits and biographical sketches of prominent . . . . citizens . . . . together with portraits and biographies of all the governors of Illinois . . . . Chapman Brothers (Chicago, 1883).

Portrait and Biographical Album of McLean County, Illinois, containing . . . . portraits and biographical sketches of prominent . . . . citizens . . . . together with portraits and biographies of all the governors of Illinois . . . . Chapman Brothers (Chicago, 1887).

Portrait and Biographical Album of Rock Island County, Illinois, containing . . . . portraits and biographical sketches of prominent . . . . citizens . . . . together with portraits and biographies of all the governors of Illinois . . . . Biographical Publishing Company (Chicago, 1885).

Portrait and Biographical Album of Warren County, Illinois, containing . . . . portraits and biographical sketches of prominent . . . . citizens . . . . together with portraits and biographies of all the governors of Illinois . . . . Chapman Brothers (Chicago, 1886).

Portrait and Biographical Record of Winnebago and Boone Counties, Illinois, containing biographical sketches of prominent . . . . citizens, together with biographies of all the governors of the state . . . . Biographical Publishing Company (Chicago, 1892).

Power, John Carroll, *History of Springfield, Illinois, its . . . . advantages for business, manufacturing, etc.* (Springfield, 1871).

Redmond, Patrick H., *History of Quincy, and its Men of Mark, or facts and figures exhibiting its advantages and resources, manufactures and commerce* (Quincy, 1869).

Rice, James M., *Peoria, City and County, Illinois, a record of settlement, organization, progress and achievement*, 2 volumes (Chicago, 1912).

Richmond, C. W. (ed.), *History of Du Page County, Illinois*, (Aurora, 1877).

Wall, John A., *Wall's History of Jefferson County, Illinois* (Indianapolis, 1909).

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Whiteside, J. D.	49	49	Farmer	Monroe	Columbia	Ills.	Dem.	Ludlum's
Whitney, Dan'l H.	39	13	Physician	Boone	Belvidere	N. Y.	Whig	Mrs. Early's
Woodson, D. M.	41	13	Lawyer	Greene	Carrollton	Ky.	Whig	Edwards'
Worcester, L. E.	35	10	Merchant	Greene	Whitehall	Vt.	Dem.	Mrs. Enos'

Name and Office.	Age	Yrs. In State	Occupation	County	Post Office	Polit.	Boarding House
Newton Cloud, *President*	43	20	Farmer	Morgan	Waverley	Dem.	Givens's
H. W. Moore, *Secretary*	31	7	Lawyer	Gallatin	Equality	Dem.	American
H. G. Reynolds, *Asst. Sec.*	36	10	Lawyer	Rock Island	Rock Island	Dem.	Mrs. Forsyth's
Jas. T. Ewing, *Asst. Sec.*	19	19	Clerk	Fayette	Vandalia	Dem.	Campbell's
J. A. Wilson, *Doorkeeper*	28	27	Trader	Hamilton	McLeansboro	Dem.	Chamblin's
R. Woodruff, *Asst. Doorkeeper*	41	13	Farmer	LaSalle	Ottawa	Dem.	Ky. House

NOTE.—The above list includes 162 delegates, of whom 71 are Whigs and 91 are Democrats—Democratic majority, 20. Of the number 76 are Farmers; Lawyers, 54; Physicians, 12; Merchants, 9; Mechanics, 4; Circuit Clerks, 3; Miller, 1; Engineer, 1; Professor of Mathematics, &c., 1; Minister of the Gospel, 1. The oldest member (Rev. H. D. Palmer) is 66 years of age, and the youngest is 26. The oldest native in the Convention is Gen. Whiteside, who was born at "Whiteside's Station," near his present residence, in 1798.

In the Convention are 8 natives of Illinois; of Kentucky, 29; New York, 24; Virginia, 16; Tennessee, 13; Pennsylvania, 13; North Carolina, 9; South Carolina, 2; Massachusetts, 8; Ohio, 7; Vermont, 6; Maryland, 6; Connecticut, 4; New Hampshire, 4; New Jersey, 2; Maine, 2; Rhode Island 1; Delaware, 1; Georgia, 1; Indiana, 1; Of those of foreign birth, 3 are from Scotland, 1 from Ireland, and 1 from Germany.

"Illinois Territory was organized in 1809, and admitted as a State in 1818. The first Land Office was established at Vandalia in 1820. The population of the State in 1809 was 12,282; in 1818, about 50,000. There were, at this time, 15 counties—all in the southern part of the State. The northern part was inhabited only by Indians, with the exception of a few fur traders. The present number of counties is 100, and the population 700,000."

Why the Illinoians are called "SUCKERS."—In the early settlement of the northern partion of our State, the marvellous stories of fortune-making at the mines attracted to that region many of the farmers from the southern settlements. It was the custom with them, after putting in their Spring crops, to ascend the Mississippi and labor at the mines until the Fall, when they would return to gather their crops; imitating the *sucker*, which ascends the rivers in the spring, to deposit its spawn, and returns in the Fall. Hence, such persons were called "*Suckers*," and the term, which was at first applied to that class of persons, has since become general in its application to all the citizens of the State.

[*Editor's note*]. The above note contains some errors of addition. The list actually tot[illegible]rmers, 5 mech[illegible]. Vermont had 7 delegates, Pennsylvania 12, Kentucky 28, Ohio 8, Indiana 2, and Illinois 7.